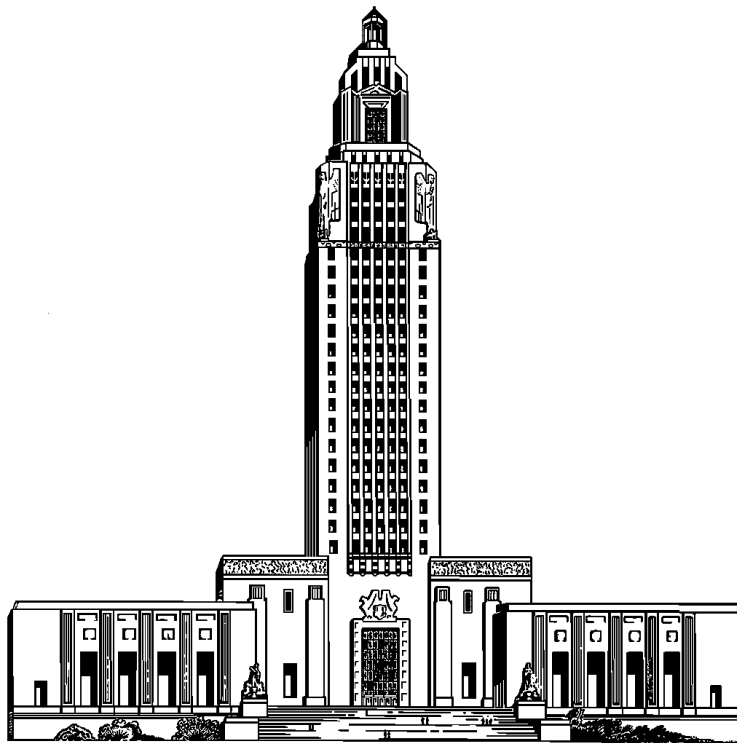


HIGHLIGHTS

**of the
2006 Regular Session
of the
Louisiana Legislature**



**Prepared by:
House Legislative Services
June, 2006**

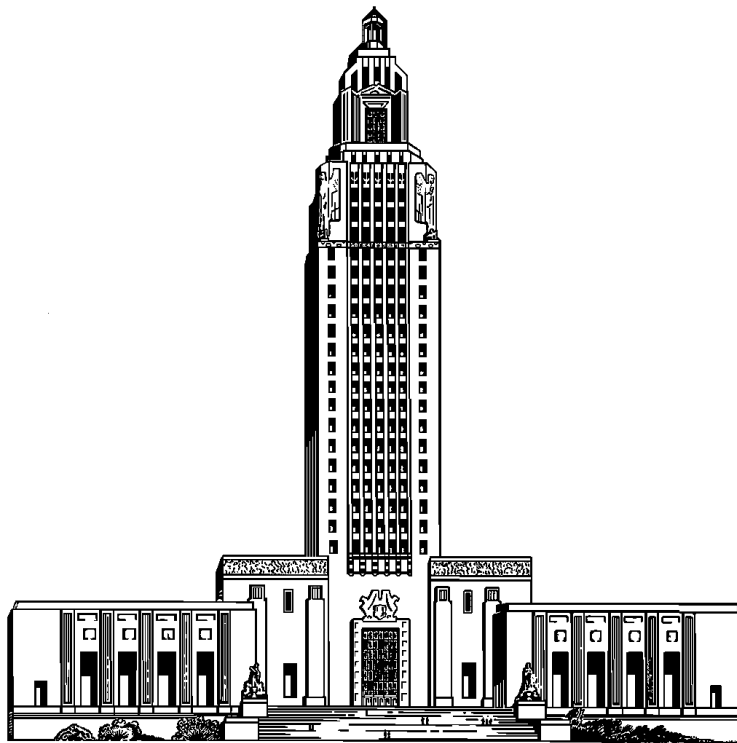
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HIGHLIGHTS

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of the
Louisiana Legislature**



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ADMINISTRATION OF CRIMINAL JUSTICE

SEX OFFENSES

HB 4 by McDonald (*Last Action – Act No. 325*)

Increases the criminal penalties for the crimes of molestation of a juvenile and aggravated incest when the victim is under the age of 13 years. Requires a minimum mandatory sentence of 25 years for convictions of those offenses. Provides for monitoring of those offenders upon completion of their sentences at the expense of the offender and if unable to pay, subject to available funding to the state.

SB 2 by N. Gautreaux (*Last Action – Act No. 103*)

Increases the criminal penalties for certain sex offenses when the victim is under the age of 13 years. Requires a minimum mandatory sentence of 25 years for convictions of molestation of a juvenile, sexual battery, oral sexual battery, and aggravated sexual battery when the victim is under the age of 13 years. Provides for monitoring of those offenders upon completion of their sentences at the expense of the offender and if unable to pay, subject to available funding to the state. Also provides for increased penalties for pornography involving juveniles and indecent behavior with juveniles for certain elements of those offenses when the victim is under the age of 13 years.

HB 572 by Cravins (*Last Action – Act No. 186*)

Creates the Sex Offender Assessment Panel within the DPS&C which evaluates each offender convicted of a sex offense prior to their release from incarceration to determine which sex offenders are sexually violent predators and child predators requiring lifetime registration and community notification, as well as GPS monitoring by the Dept. of Public Safety and Corrections.

HB 882 by Cravins (*Last Action – Act No. 40*)

Makes it unlawful for a sex offender convicted of a sex offense against a victim under the age of 13 years to establish a residence or be physically present within 1,000 feet of any public or private elementary or secondary school or public park or recreational facility. Also applies to the physical presence of the offender with respect to any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of 18 years are present on the school property or in a school vehicle.

Administration of Criminal Justice

HB 64 by Dorsey *(Last Action – Act No. 137)*

Creates the crime of harboring or concealing a sexual offender, sexually violent predator, or child predator.

HB 1369 by Geymann *(Last Action – Act No. 242)*

Provides that when any person, incarcerated for conviction of a sex offense involving a victim under the age of 13 years, is released from the custody of DPS&C upon expiration of their sentence, he shall be placed on supervised release for a period of five years.

SB 612 by Mount *(Last Action – Sent to Governor)*

Requires that any driver's license issued to a sex offender who is required to register with the La. Bureau of Criminal Identification and Information must contain a restriction code that the license holder is a sex offender. Requires that the license include the words "sex offender" and be orange in color. Requires that the license be valid for one year and be renewed each year after re-registration with the bureau and provide certain information, including the holder's street address, telephone number, as well as his or her employer's name, address, and telephone number. Also requires a sex offender required to register as such, to obtain a special identification card declaring that the person is a sex offender. Same provisions applicable to a sex offender's driver's license apply to the special ID card.

Requires the secretary of the Department of Public Safety and Corrections to institute a Predator Alert System. The system will require the state police to send out the alert to local law enforcement officials when a sexual predator has been released from jail and coordinate with and encourage the private sector to participate in secondary distribution programs to enable distribution of vital information on a predator that has been released from imprisonment, including the creation and distribution of flyers as well as e-mailing and text messaging the Predator Alerts.

HB 1201 by Honey *(Last Action – Act No. 233)*

Adds crimes of voyeurism and peeping Tom and all sex offenses and crimes of violence to the list of offenses which are maintained by the Bureau of Criminal Identification and Information and provided to employers of persons having supervisory or disciplinary authority over children. Requires a teacher or school employee to report to his employer within 48 hours of his conviction or plea of guilty or nolo contendere of certain crimes.

Administration of Criminal Justice

CRIMES AND CRIMINAL PROCEDURE

HB 1381 by Burrell (*Last Action – Act No. 441*) (*TRO issued on 6/16/06 by U.S. District Court, Middle District of Louisiana, barring enforcement pending hearing on constitutionality issues*)

Provides that an interactive video or computer game may not be sold, leased, or rented to a minor if the trier of fact determines all of the following:

- (1) The average person, applying contemporary community standards, would find that the video or computer game, taken as a whole, appeals to the minor's morbid interest in violence.
- (2) The game depicts violence in a manner patently offensive to prevailing standards in the adult community with respect to what is suitable for minors.
- (3) The game, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

SB 33 by Nevers (*Last Action – Act No. 467*)

Permits abortion only when the life of the birth mother is in danger or to prevent permanent impairment of the function of a life sustaining organ or organs, or to prevent a substantial risk of death of the mother. Provides that the Act will only become effective upon a U.S. Supreme Court decision overturning *Roe v. Wade*, in whole or in part, or the adoption of a U.S. constitutional amendment that allows states to prohibit abortions. Also provides that the Act will be effective relative to the appropriation of Medicaid funds, to the extent consistent with any executive order by the President of the United States, federal statute, appropriation rider, or federal regulation setting forth the limited circumstances in which states must fund abortions in order to remain eligible to receive federal Medicaid funds.

HB 1364 by Thompson (*Last Action – Sent to Governor*)

Adds as elements to the crime of disturbing the peace: (1) the intentional engaging in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral home viewing, funeral procession, wake, memorial service, or burial of a deceased person; (2) blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted. Provides for a fine of not more than \$100 or imprisonment for not more than six months, or both.

Administration of Criminal Justice

FIREARMS AND WEAPONS

HB 760 by Scalise *(Last Action – Act No. 275)*

Provides that the powers of the governor, parish president, or chief law enforcement officer during declarations of emergency or disaster do not authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition. Provides that a peace officer who is acting in the lawful discharge of his official duties may disarm a person if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual. The peace officer shall return the firearm to the individual before discharging that individual unless the officer arrests that individual for engaging in criminal activity or seizes the firearm as evidence pursuant to an investigation for the commission of a crime.

HB 190 by Martiny *(Last Action – Act No. 254)*

Provides that a local governing authority in a high-risk area may develop a plan with federally licensed firearms manufacturers, dealers, or importers to secure the inventory of firearms and ammunition of those licensees in order to prevent looting of the licensee's premises during a declared state of emergency or disaster. Defines "high-risk area" as the parishes of Assumption, Calcasieu, Cameron, Iberia, Jefferson, LaFourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

PUBLIC SAFETY AND CORRECTIONS

HB 377 by Martiny *(Last Action – Act No. 61)*

Requires the secretary of the Department of Public Safety and Corrections to adopt rules and regulations to encourage participation by inmates in certified treatment and rehabilitation programs, including but not limited to basic education, job skills training, values development and faith-based initiatives, therapeutic programs, and treatment programs.

HB 636 by Martiny *(Last Action – Act No. 87)*

Provides that the compensation of inmates in the custody of DPS&C is discretionary rather than mandatory; retains the maximum rate of compensation of 20¢ per hour; deletes the minimum rate of compensation of 2¢ per hour; and authorizes the secretary of DPS&C to establish the rates of compensation. Provides for payment of compensation of inmates from the following sources: (1) if assigned to a state agency that operates from self-generated revenues, from those revenues; (2) from the DPS&C Prison Enterprises Fund; or (3) if assigned to a certified Private Sector/Prison Industry Enhancement program, by the private sector company that employs them.

Administration of Criminal Justice

SB 129 by Jones (*Last Action – Sent to Governor*)

Increases the rate at which an eligible inmate earns good time **from** 30 days **to** 35 days for every 30 days served for convictions of offenses on or after August 15, 2006.

SB 85 by Jones (*Last Action – Act No. 104*)

Authorizes DPS&C to establish community resource centers to provide housing for inmates to remediate the damage done following a natural disaster or emergency and to grant participation in a community resource center under rules, regulations, and procedures to be promulgated by the secretary of the department. Requires DPS&C to maximize the use of inmate labor to augment governmental personnel and community volunteers conducting remediation activities during the period immediately after such disaster and ensure that inmate labor does not replace an existing employee, work on a project or job involved in a labor dispute, or supplant post disaster remediation activities that may otherwise be performed under contract by private sector firms employed by an affected individual or governmental entity. Provides that the community resource centers are subject to appropriation by the legislature or from any available, appropriate federal funds.

AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

SB 652 by Lentini (*Last Action – House Committee*)

HB 120 by Richmond (*Last Action – House Committee*)

Would have created the crime of cockfighting. Additionally, the bills prohibited the transportation of any gamecock for the purpose of having the animal engage in a cockfight, the breeding of a gamecock and training for cockfights, and various other related activities. Provided penalties for violations.

HB 685 by Thompson (*Last Action – Act No. 313*)

SB 454 by Ellington (*Last Action – Sent to Governor*)

Both of these bills relate to renewable fuels.

SB 454 creates "The Louisiana Renewable Fuels Production Accountability Act". Provides for monitoring of facilities producing ethanol or biodiesel to determine and report on how much Louisiana-produced corn and soybeans the facilities are using. Provides for "presumptions" that such facilities will use certain percentages of the Louisiana corn and soybean crops.

HB 685 establishes a 2% minimum renewable fuel content standard for gasoline and diesel. The minimums become applicable after the Louisiana production of ethanol, bio-diesel, or other renewable fuels reaches certain levels as specified in the Act. Blenders and retailers have six months to meet the minimum content requirements once they become applicable, but the Louisiana Commission of Weights and Measures may waive or extend the six-month time period upon a finding that the quality or supply of bio-diesel or ethanol is insufficient to allow blenders or retailers to meet the requirements. Retailers are *not* required to purchase or sell ethanol or bio-diesel.

SB 454 also added a stipulation affecting when the minimum alternative fuel standards in HB 685 will be implemented. SB 454 stipulates that, except for biodiesel, the requirements of HB 685 are not effective until the average wholesale price of Louisiana produced ethanol is equal to or less than the average wholesale price of gasoline for a period of 60 days. Further creates a three-member board to make such determination of relative costs.

APPROPRIATIONS

APPROPRIATION BILLS

HB 1 by Alario (*Last Action –Enrolled*)

The General Appropriation Bill totals approximately \$25.8 billion, of which \$6.7 billion is State General Fund (Direct) and \$14 billion is federal funds. An estimated \$7.4 billion in federal funding supports expenditures related to hurricane relief and recovery.

The following is a summary of major funding items in various areas of the state budget.

General Government

LA Indigent Assistance Board for the District Assistance Program (additional funding)	\$	10.5 million
New funding (\$771,085 SGF and \$3,082,986 IAT) and 30 unclassified positions for the Louisiana Recovery Authority	\$	3.8 million
Increased funding and 36 new positions for the Office of Homeland Security & Emergency Preparedness for operational expenses, public assistance, hazard mitigation match expenses, and consulting contract expenses related to the recovery efforts	\$	8.9 million
Full funding of the formula for the senior centers	\$	5 million
Operational funding and 57 positions for the new 156 bed Northwest LA War Veterans Home located in Bossier City	\$	2.2 million
Operational funding and 57 positions for the new 156 bed Southeast LA War Veterans Home located in Reserve, LA	\$	2.2 million
Funding for operational expenses, including nine positions, for the new \$5 million State Veterans Cemetery in Caddo	\$	203,168
Planning and implementation of a new statewide financial system in the Division of Administration	\$	6 million
Funding from the Emergency Response Fund for one Evacuation and Shelter Event	\$	25.2 million
27 positions for Community Development Block Grant associated with disaster recovery related activities including housing restoration programs	\$	6.3 million
Twenty additional positions and operating expenses in the Office of Homeland Security and Emergency Preparedness	\$	1.2 million
Office of Homeland Security and Emergency Preparedness FEMA funding for hurricane relief	\$	2 billion

Appropriations

Community Development Block Grant funding related to hurricane disaster recovery	\$	4.7 billion
Restoration of state historic sites operations from 4 days per week to 7 days per week	\$	310,000
Restoration of funding to prevent the closure of Madame John's Legacy Museum and the 1850 House	\$	153,750
Restoration of funding for state library operations	\$	708,660
One additional statewide election	\$	986,266
Pay raise (\$5,000) for assistant district attorneys	\$	2.4 million

ECONOMIC DEVELOPMENT

Support for the following sporting events:

1) Sugar Bowl	\$	1.1 million
2) FORE! Kids Foundation	\$	337,750
3) Independence Bowl	\$	359,160
4) New Orleans Bowl	\$	335,217
 Governor's Rapid Response Program	 \$	 10 million
Economic Development Matching Grant Program	\$	5.7 million
Advertising, promotion, and marketing related services	\$	5.5 million
Northrop Grumman Ship System	\$	3.3 million
Louisiana Technology Park	\$	2.8 million
Bulk Rice Facility	\$	2.1 million
CG Railway	\$	2.1 million
Life Sciences Incubator facility (additional funding)	\$	1.1 million

PUBLIC SAFETY AND CORRECTIONS

Public Safety Services

Funding out of the Criminal Identification and Information Fund for information technology upgrades in State Police for the Automated Fingerprint ID System (AFIS) and Computerized Criminal History	\$	19.7 million
Funding for a 50-member state police cadet class to replace trooper vacancies	\$	1.4 million
Funding out of the Riverboat Gaming Enforcement Fund for expenses associated with conducting a state police cadet class to replace trooper vacancies	\$	1.7 million

Appropriations

Corrections Services

Sheriffs' Housing of Adult State Inmates	\$	91.6 million
Operational costs for the new death row cellblock expansion at the Louisiana State Penitentiary	\$	2.9 million
Operational funding and 53 positions for a 50-bed skilled nursing/geriatric health care unit at the Forcht Wade Correctional Center in Shreveport which will open in July 2006	\$	2.4 million
Funding for 17 additional positions in Adult Probation and Parole to handle an increase in caseload due to the plan to reduce the number of technical violators in local facilities	\$	1 million
GPS monitoring of sex offenders	\$	365,000

Youth Services

Funding for a grant pool that can be used to fund programs aimed at juvenile delinquency prevention and diversion	\$	3 million
Interagency Transfers from DSS for shelters, nonresidential programs and prevention/diversion programs and to enhance services or increase slots in residential programs. OYD will transfer \$2 million in IAT to the local courts for prevention and diversion efforts to prevent removal of youths from homes	\$	5.4 million

HEALTH AND HOSPITALS

Medicaid

Funding for the Community Hospital Pool to reimburse Uncompensated Care Costs for nonstate, nonrural community hospitals that do not currently receive reimbursement (\$36 million SGF and Stat Ded)	\$	120 million
Increased Uncompensated Care Costs reimbursement to the rural hospitals (\$4.6 million SGF)	\$	15.3 million
Funding to increase Medicaid rates to private providers, including rates for hospital services (\$11.5 million SGF)	\$	38 million
Increased funding for pediatric, or EPSDT, dental services (\$4.5 million SGF)	\$	14.8 million
200 additional New Opportunities (NOW) waiver slots and 100 additional Elderly and Disabled Adult (EDA) waiver slots (\$2.5 million SGF)	\$	8.4 million

Appropriations

Increases in Medicaid reimbursement to nursing homes (\$24 million SGF and Stat Ded)	\$	78 million
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Public Health

Funding for the Louisiana Emergency Response Network (LERN)	\$	3.5 million
Additional funding for the operation of school based health clinics	\$	1.6 million

Mental Health

Additional funding for psychiatric beds at Villa Feliciana (40-bed residential step-down unit) and East Louisiana State Hospital (24-bed adult acute unit)	\$	3.8 million
Funding to avoid closure of the New Orleans Adolescent Hospital, including 30 psych beds	\$	7 million

Developmental Disabilities

Additional funding to avoid the closure of Northwest Developmental Center	\$	12.4 million
Additional funding for operational costs of community-based services and developmental centers	\$	10.9 million

LSU Health Care Services Division (HCSD)		
Increased Medicaid funding for hospital operations	\$	31.3 million
Increased Uncompensated Care Costs reimbursement for hospital operations, especially trauma care	\$	34.4 million

SOCIAL SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives		
Funding for FY 05-06	\$	52.0 million
Funding for FY 06-07	\$	79.3 million

FY 06-07 TANF Initiatives:		
Public Pre-K	\$	20 million
Private Pre-K	\$	8.5 million
After School	\$	12.5 million
Truancy	\$	1.6 million
Microenterprise Development	\$	750,000
Teen Pregnancy	\$	5.5 million

Appropriations

Domestic Abuse	\$	1.5 million
Community Response	\$	1.5 million
Individual Development Accounts	\$	1 million
Fatherhood Initiatives	\$	375,000
CASA	\$	3.7 million
Drug Courts	\$	5 million
Child Abuse/Neglect	\$	16 million
Abortion Alternatives	\$	1 million
Earned Income Tax Credit	\$	400,000
TOTAL	\$	79.3 million

Residential care for foster children who have special needs	\$	5.6 million
Food Stamp High Performance Bonus	\$	2.9 million
Community response initiatives funding in addition to the \$1.5 million in TANF funding	\$	2 million
Emergency Preparedness Unit to serve as the primary entity responsive to state emergency support functions related to mass care, housing, and human services. In addition, two (2) positions to staff this section were added	\$	388,622

NATURAL RESOURCES

Restoration of State General Fund support for the Department of Agriculture and Forestry to operate 40 hours per week, including a \$829,286 increase for the Soil and Water Program	\$	3.6 million
Coastal Protection and Restoration Authority and the Coastal Impact Assistance Program	\$	8.3 million
Rural Water Association funding	\$	250,000
Restoration of the Department of Wildlife and Fisheries to FY 05-06 funding levels including providing for a new cadet training class	\$	2.7 million

TRANSPORTATION AND DEVELOPMENT

Elimination of 151 vacant positions to reduce the number of positions from 5,149 to 4,998 for the Department of Transportation of Development.

Increase in Transportation Trust Funding for heavy equipment replacement and supplies (hot mix, aggregate, herbicide, etc) in the districts to restore purchasing to the needed levels	\$	12 million
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Appropriations

The Parish Road Program will receive an additional \$8.8 million more than the FY 05-06 level. This means every parish will receive more funding in FY 06-07 than they received for FY 05-06. The distribution will be based on population numbers prior to the hurricanes, so no parish will lose funding due to loss of population

\$ 40 million

The Mass Transit Program distribution will be based on population and passenger count numbers prior to the hurricanes, so no participant in this program will lose funding due to loss of population

\$ 5 million

HIGHER EDUCATION

Faculty pay increases	\$	31.2 million
Mandated costs, including merits and group insurance	\$	18 million
Increase in funding for educational and general expenditures	\$	21.5 million
Funding to address uncertain enrollment shifts	\$	12 million
Endowed Chairs and Professorships	\$	7.2 million
Training in high demand construction trades	\$	15 million

ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program \$ 2.7 billion

The Legislature approved HCR 290 as the new MFP for FY 06-07 and appropriated an increase of \$105 million bringing the total FY 06-07 MFP appropriation to \$2.7 billion. Included in the FY 06-07 MFP appropriation is \$94 million for certificated pay raises and \$21 million for noncertificated pay raises. In addition, the 50% mandate language will provide for additional certificated pay raises in 41 school systems. Some of the changes included in HCR 290 are:

- (1) \$1,500 certificated pay raises.
- (2) \$500 noncertificated pay raises.
- (3) Enrollment minimums are provided for hurricane-affected school systems.
- (4) Two mid-year adjustments for additional students.
- (5) \$80 per student for mandated costs.
- (6) Increases the At-Risk Weight from 17% to 19%.
- (7) Lowers the cap on sales tax increases from 20% to 15%.
- (8) School systems are required to use 50% of their new Level 1 and 2 monies for certificated pay raises and retirement benefits if the system's average teacher salary is below the SREB average.

Appropriations

LA4

The LA4 Early Childhood Program is appropriated \$55.6 million

and is expected to serve 12,000 four-year olds \$ 55.6 million

Nonpublic Educational Assistance \$ 29.8 million

TOPS

The Tuition Opportunity Program for Students (TOPS) will provide

more than 42,000 awards valued at more than \$120 million for

FY 06-07 \$ 120 million

HB 1127 by Alario - Supplemental Appropriations *(Last Action – Act No. 1)*

One of two bills appropriating supplemental funding for the operation of various state departments for FY 05-06. Provides for an increase in appropriations out of the State General Fund (Direct) of \$11,549,778.

HB 1208 by Alario - Supplemental Appropriations *(Last Action – Enrolled)*

The second of two bills appropriating supplemental funding and providing for means of financing substitutions for the operating expenses of state government for Fiscal Year 2005-2006. Provides funding for certain judgments against the state. Establishes the FEMA Reimbursement Fund, the State Emergency Response Fund and the Evangeline Parish Recreation District Support Fund as special treasury funds.

Provides for net changes in appropriations as follows: State General Fund (Direct) increases by \$947,401,299; Interagency Transfers increase by \$5,774,346; Statutory Dedications increase by \$264,582,561; and Federal Funds increase by \$432,416,717.

HB 277 by Alario - Ancillary Appropriations *(Last Action – Enrolled)*

Provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as auxiliary funds, internal service funds, or enterprise funds for working capital for certain state institutions, officials, and agencies. Includes the Office of Group Benefits and Office of Risk Management. Appropriates total funding of \$2,313,588,422 as follows: \$100,094,074 from State General Fund (Direct), \$253,224,761 through Interagency Transfers, \$489,000,000 from Statutory Dedications, and \$8,338,492 from federal funds. Includes \$100 million in State General Fund and \$400 million in Statutory Dedications for the Debt Service Assistance Fund. Monies in the fund shall provide debt service assistance for local government authorities pursuant to the federal Gulf Opportunity Zone Act of 2005 and Act No. 41 of the 2006 First E.S.

Appropriations

HB 1209 by Alario - Judicial Expense Act *(Last Action – Enrolled)*

Appropriates funds for Fiscal Year 2006-2007 for the ordinary operating expenses of the judicial branch of government with total funding of \$127,780,259 from the following sources: \$111,095,750 out of the State General Fund (Direct); \$8,670,000 from Interagency Transfers; and, \$8,014,509 out of the State General Fund from Statutory Dedications out of the Judges' Supplemental Compensation Fund, Trial Court Case Management Fund, and the Patients' Compensation Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows:

(1)	Louisiana Supreme Court	\$55,724,511
(2)	Courts of Appeal	36,356,659
(3)	District Courts	26,568,450
(4)	Criminal Court, Parish of Orleans	4,591,312
(5)	Juvenile and Family Courts	1,821,249
(6)	Other Courts (Required by Statute)	2,150,252
(7)	Other Courts (Not Required by Statute)	567,826
	TOTAL	<u>\$127,780,259</u>

Appropriates an additional \$1,990,660 out of the State General Fund (Direct) to provide for an increase in the salaries for justices of the Supreme Court, judges of the Courts of Appeal, District Court, City and Parish Courts, and commissioners of Fifteenth and Nineteenth Judicial District Courts and the Orleans Parish Criminal District Court Commissioners, all as recommended by the Judicial Compensation Commission and subject to approval by the legislature.

HB 1244 by Salter - Legislative Expenses *(Last Action – Enrolled)*

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$60,339,659 from the state general fund for the 2006-2007 Fiscal Year including the following:

House of Representatives	\$ 26,060,435
Senate	16,335,151
Auditor	7,614,486
Legislative Fiscal Office	2,236,713
Louisiana State Law Institute	894,429
Legislative Budgetary Control Council	7,198,445
Total state general fund	<u>\$ 60,339,659</u>

Appropriations

Provides the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate. Provides that an additional \$150 per month shall be available for payment of salaries of legislative assistants.

Appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund, appropriates \$11,458,403 from the fund, which is authorized to be used for expenses of the auditor's office, and appropriates \$500,000 from the state general fund through interagency transfers to be used by the auditor for FEMA-related services.

SPECIAL FUNDS

HB 345 by Cazayoux *(Last Action – Enrolled)*

Constitutional amendment authorizes the investment in stocks of a portion of the state-funded permanently endowed funds of a public or private college or university, not to exceed 35% of the public funds endowed. On the September 30, 2006 ballot.

HB 406 by Daniel *(Last Action – Enrolled)*

Constitutional amendment authorizes investing up to 35% of the Medicaid Trust Fund for the Elderly in equities. On the September 30, 2006 ballot.

HB 698 by Lambert *(Last Action – House Committee)*

Would have established the Louisiana Highway Trust Fund as a special fund in the state treasury. Provides that if the Budget Stabilization Fund exceeds 4% of the total state revenue receipts for the previous fiscal year, 25% of any excess in the Budget Stabilization Fund and 25% of monies that would otherwise go into the Budget Stabilization Fund would be transferred to the La. Highway Trust Fund to fund the costs of maintenance and capacity improvements, including additional lanes and intersection improvements of the roads and bridges of the state and federal highway systems.

HB 767 by Alario *(Last Action – Enrolled)*

Creates the FEMA Reimbursement Fund and the State Emergency Response Fund as special funds in the state treasury. Provides that monies in the FEMA Reimbursement Fund shall be appropriated to pay the state's portion of any amount due to the federal government under the Stafford Act. Prohibits disbursements from the FEMA Reimbursement Fund until the legislative auditor audits source documentation presented by FEMA or until a court of competent jurisdiction has rendered a final nonappealable judgment or order that disbursements be made. Provides that monies in the State Emergency Response Fund shall be appropriated for paying expenses incurred for preparation for and response to an

Appropriations

emergency or declared disaster or to provide bridge funding in anticipation of reimbursements from the federal government or other source. Authorizes monies to be transferred between the funds by the commissioner of administration with the approval of the Joint Legislative Committee on the Budget. Requires that the balance, not to exceed \$50 million, of unexpended and unencumbered monies in the State Emergency Response Fund at the end of the 2006-2007 Fiscal Year be transferred to the La. Citizens Property Insurance Corp. for the purpose of reducing or eliminating any emergency assessment. HB 949 would have also provided for the deposit of \$100 million into the fund each year until there was sufficient money in the fund to pay FEMA obligations due to Hurricanes Katrina and Rita.

HB 770 by Dewitt *(Last Action – Senate Committee)*

Would have changed provisions governing the La. Medical Assistance Trust Fund, which consists of the monies from the provider fees on nursing facilities, intermediate care facilities for the mentally retarded, every in-state and some out-of-state pharmacies, dispensing physicians, and medical transportation providers. Would have added to the fund certain monies remitted from nursing facilities. Would have established separate sub-accounts for each health care group that pays provider fees. Would have provided that at least 1/3 of the provider fees appropriated in FY 2006-2007 be used to fund Medicaid payments to the provider group generating the fees. Would have increased the proportion to 2/3 in FY 2007-2008 and to 100% in FY 2008-2009 and after. Would have changed current prohibition on the use of monies in the fund to displace, replace, or supplant appropriations from the state general fund for the Medicaid program **from** a baseline of 1992-1993 **to** a baseline of FY 2005-2006 and would have specified that the appropriations were those allocated to the health provider groups subject to the provider fees.

SUPPLEMENTAL PAY

HB 899 by Alario *(Last Action – Senate Committee)*

Would have authorized an increase of supplemental pay **from** \$300 per month **to** up to \$425 per month for firemen, police officers, and law enforcement officers employed by police agencies of the state or its political subdivisions within certain municipalities and deputy sheriffs who have completed at least one year of service. Would have been effective July 1, 2006, but only if monies were appropriated by an Act of the 2006 Regular Session to fund the increase.

PUBLIC EXPENDITURES

HB 965 by Scalise *(Last Action – House Committee)*

Would have prohibited public funds, including tax proceeds, funds received from the federal government, or other revenues of the state or political subdivisions thereof, from being used by any person or entity, including any state-funded institution or facility, for human somatic cell nuclear transfer, commonly known as human cloning. Would have provided exceptions from the prohibition for areas of scientific research, including research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs, plants, or animals other than humans.

HURRICANES AND DISASTERS

HB 308 by Kleckley *(Last Action – Enrolled)*

Requires the Louisiana Recovery Authority (LRA) to make assessments and issue reports regarding the nature and extent of damage, and the impact of such damage on the social and economic recovery, of the parishes and regions impacted by Hurricane Katrina. Requires similar reports for Hurricane Rita. Additionally requires the LRA to submit proposals over \$10 million for legislative approval and to provide certain specified information to each legislator seven days prior to consideration of such proposals by a committee or house of the legislature.

HB 570 by Scalise *(Last Action – Sent to Governor)*

Authorizes a qui tam action for persons who disclose the improper use of hurricane relief funds. Please refer to Civil Law and Procedure for more information.

HB 1001 by Gray *(Last Action – Act No. 410)*

Establishes the Care for Evacuated Patients Program. Provides payments to nonstate hospitals for the care of patients evacuated from a state-operated public hospital if the local governing authority declares a state of emergency necessitating the evacuation of patients from the state hospital and if funds are appropriated for such hospital payments. Provides for reimbursement of services through the 60th day of admission based on the Medicare reimbursement, provided that statements of the costs of services are submitted within 120 days of the declaration of the emergency and that the DHH secretary submits a funding request to the Interim Emergency Board within 180 days of such emergency declaration. Permits the DHH secretary to make a pro rata rate reduction based on funding.

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HCR 64 by Salter *(Last Action – Withdrawn)*

SCR 19 by Hines *(Last Action – Enrolled)*

Approves a Proposed Action Plan for FY 2006 CDBG Disaster Recovery Funds recommended by the Louisiana Recovery Authority and approved by the governor and the Joint Legislative Committee on the Budget for the following programs:

\$95,000,000	.....	for the Louisiana Bridge Loan Program
\$95,000,000	.....	for the Local Government Emergency Infrastructure Program
\$142,500,000	.....	for the State Building Infrastructure Program
\$17,100,000	.....	for the Housing Program
\$9,310,000	.....	for Administration and Technical Assistance

HCR 155 by Salter *(Last Action – Withdrawn)*

SCR 63 by Hines *(Last Action – Enrolled)*

Approves the Housing Action Plan Amendment proposed by the Louisiana Recovery Authority, submitted by the governor, approved by the Joint Legislative Committee on the Budget (JLCB), approved by the House Committee on Appropriations, and approved by the Senate Committee on Finance, in the initial amount of \$4.6 billion which includes a budget of:

\$3,551,600,000	.....	for assistance to owner-occupants
\$25,900,000	.....	for homeless supports and housing
\$892,700,000	.....	for workforce and affordable rental housing
\$32,100,000	.....	for developer incentives and code enforcement
\$79,700,000	.....	for state administrative costs

The plan includes administrative (\$60,170,000), planning (\$9,500,000), and technical assistance (\$11,920,000) costs approved by JLCB on March 17, 2006, but not included in the action plan approved by the legislature in SCR 19 of 2006 R.S. Requires that a homeowner be able to appeal a reduction in an Incentive Grant based on flood insurance coverage.

"Strongly" expresses to the LRA the sentiment of the legislature that the authority amend or modify the action plan to eliminate any reduction for insurance benefits and any feature of the plan program which penalizes a property owner for not having insurance, to the extent allowable under federal law and regulation or by HUD waiver.

HCR 180 by Hutter *(Last Action – Enrolled)*

Urges and requests the Louisiana Recovery Authority to develop and prepare an Action Plan to use CDBG funds to redeem, purchase, defease, or otherwise retire at least 50% of the

bonds issued on or about April 11, 2006, by the Louisiana Citizens Property Insurance Corporation, to the extent allowable under federal law and regulation or by HUD waiver.

SB 607 by Fontenot *(Last Action – Sent to Governor)*

Relative to service animals and household pets, provides for the responsibilities and authority of state and local offices of homeland security and emergency preparedness regarding the evacuation, transport, and temporary sheltering of such animals, including the identification and establishment of shelters, standards and criteria of admission, identification programs, volunteer training, plans for pets not otherwise evacuated or transported, and a public information program. Requires parish officials to file a plan with the state by August 1, 2006 and to update such plan in March of each subsequent year.

SCR 28 by Boasso *(Last Action – Enrolled)*

Requests that the governor and the Louisiana Recovery Authority, for expenditures over ten million dollars, provide detailed information to each member of the legislature seven days before submitting such proposals for approval by a committee or by a house of the legislature. Provides that such information include an explanation of the proposal, including supporting documentation from any task force, subcommittee, consultant, or state department or agency utilized by the authority in preparation of the proposal. Requests that any legislative instrument submitted for legislative approval contain a reference to such information provided to members of the legislature.

Appropriations

CIVIL LAW AND PROCEDURE

PROPERTY

SB 1 by McPherson *(Last Action – Filed with Secretary of State)*

Constitutional amendment prohibiting the expropriation of property for use by certain private entities, subject to certain restrictions; provides for compensating the owner to the full extent of his loss; and defines "public purpose" for expropriation.

HB 30 by Ansardi *(Last Action – Failed to Pass/House)*

Constitutional amendment would have provided for expropriation by the state or political subdivisions subject to limitations provided by the constitution and by law. Would have authorized expropriation of abandoned or blighted property as authorized by law.

HB 218 by LaFonta *(Last Action – House Committee)*

Would have provided for the preservation of historic districts by removing the 10-year prescriptive period within which to bring an action to enforce a zoning restriction or regulation.

SB 728 by Shepherd *(Last Action – House Committee)*

Would have provided that prescription for any civil action for the violation of a building or zoning restriction or regulation must be eight years from the date such historic preservation commission or other local governmental agency authorized to issue a citation for the building or zoning violation first received actual written notice of such violation.

HB 594 by Greene *(Last Action – Enrolled)*

Provides, relative to component parts of an immovable, that things permanently attached to a building or other construction are its component parts and that things such as plumbing, heating, cooling, electrical, or other installations are component parts of a building or other construction as a matter of law; provides that other things are considered to be permanently attached to an immovable if they cannot be removed without substantial damage to themselves or to the immovable or if, according to prevailing notions in society, they are considered to be component parts of an immovable; and changes the term "immovable" to the phrase "building or other construction".

Civil Law and Procedure

HB 707 by Farrar *(Last Action – Enrolled)*

Constitutional amendment which requires that certain expropriated property no longer needed for the purpose for which it was expropriated be offered for sale to the original owner or his heir, or if there is no heir, to the successor in title at the current fair market value.

HB 992 by Marchand *(Last Action – Conference Committee Report Rejected/Senate)*

Would have provided, subject to certain restrictions, that the right to expropriate property shall not be exercised for the purposes of converting privately owned property, not legally declared blighted or uninhabited adjudicated property, for retail, office, commercial, industrial, or residential development; or primarily for enhancement of tax revenue; or for transfer to a person, nongovernmental entity, public-private partnership, corporation, or other business entity; and would have provided that expropriated property not used in 15 years, or if it is no longer needed for the purpose for which it was expropriated, shall be offered first for sale to the person from whom the property was expropriated at the price paid for the property together with the fair market value of any improvements.

HB 1164 by Ansardi *(Last Action – Senate Committee)*

Would have prohibited the transfer of ownership of property expropriated by the state or by a political subdivision to a private person, except for abandoned or blighted property; and would have provided for the compensation for the loss caused by the expropriation and for the repurchase of the expropriated property by the original landowner under certain circumstances.

SB 27 by Dupre *(Last Action – Filed with Secretary of State)*

Constitutional amendment which provides that compensation paid for the taking of property rights affected by the construction, enlargement, improvement, or modification of hurricane protection projects shall be limited to the compensation required by the Fifth Amendment of the United States Constitution; and provides an exception for the taking of buildings or structures destroyed or damaged by an event for which a presidential declaration of major disaster or emergency was issued, if the taking occurs within three years of such event.

SB 78 by Theunissen *(Last Action – Act No. 446)*

Provides that a reservation of mineral rights in an instrument transferring ownership of land must include mention of surface rights in the exercise of the mineral rights reserved if not otherwise expressly provided by the parties.

Civil Law and Procedure

SB 455 by Malone *(Last Action – Subject to Call - Senate Concurrence)*

Would have authorized the recordation of an abstract of a mineral lease in lieu of recording the entire lease.

LIABILITY

HB 1300 by Hebert *(Last Action – House Committee)*

HB 653 by Jefferson *(Last Action – House Committee)*

Would have provided that if an owner paid a general contractor in full, any privileges and liens against the owner would be extinguished and the claimants or lienholders would have to seek enforcement against the general contractor only.

HB 357 by Baudoin *(Last Action – House Committee)*

Would have provided that a person who causes a person's injury, death, or loss with another by a wanton or reckless disregard for public safety in the storage, handling, transportation, or disposal of hazardous or toxic substances, is answerable, in solido, with that person, for the damage caused by such act.

HB 1131 by Ansardi *(Last Action – House Committee)*

Would have provided that if a person's identity is not known, his percentage of fault shall only be determined if there is physical evidence of the incident or corroboration of the incident by an independent witness.

Would have added comparative fault to the affirmative defenses which must be plead in the answer and would have required the allegation to include the name and address of the person alleged to be at fault.

HB 1097 by LaFleur *(Last Action – Enrolled)*

Provides immunity from civil action for a person who uses force or violence as a defense to certain crimes.

FAMILY LAW

HB 315 by Bowler *(Last Action – House Calendar)*

Would have clarified that shared custody is a special type of joint custody and would have allowed the court to require a six-month trial period prior to issuing a shared custody order.

Civil Law and Procedure

Would have provided that shared physical custody is not mandated, but children should have frequent and continuing contact with each parent, as long as it is in the best interest of the child.

HB 127 by Bowler *(Last Action – Failed to Pass/House)*

Would have recognized a parent's fundamental right to make decisions concerning the care, custody, and control of their children and would have limited the persons who may be granted visitation and the circumstances thereof.

Would have required the person seeking visitation to show by clear and convincing evidence that they were unreasonably denied visitation by the parent and to show by a preponderance of the evidence that the parent's denial of visitation is not in the best interest of the child.

HB 1124 by Frith *(Last Action – House Calendar)*

SB 154 by N. Gautreaux *(Last Action – Act No. 110)*

Requires that a military service member on active duty who misses his authorized visitation due to military obligations shall be afforded compensatory visitation on a day for day basis for the days lost if he so requests.

Requires the custodial or domiciliary parent and the service member to negotiate an equitable schedule for such compensatory visitation. Further provides that if an equitable schedule cannot be negotiated, the requesting parent may petition the court having jurisdiction to enforce the visitation order to adjust the visitation order to require the compensatory visitation time.

HB 654 by Doerge *(Last Action – Act No. 272)*

Requires an incarcerated parent to provide a plan for the care of his children during his incarceration and requires DSS to contact the parent and assist him in preparing the plan.

SB 123 by Lentini *(Last Action – Act No. 315)*

Provides that the basic allowance for housing and subsistence received by military personnel is gross income for the purposes of calculating child support.

HB 538 by Greene *(Last Action – Sent to Governor)*

Provides that any party may seek the collection of past due child or spousal support by sending a notice to the federal secretary of the treasury that another party owes past due child or spousal support.

Civil Law and Procedure

Provides that child support claims shall have priority over spousal support claims and if more than one spousal support claim is filed, the spousal support claims shall be paid in the order in which they were filed.

HB 128 by Greene (*Last Action – Enrolled*)

Clarifies that a spouse shall be free from fault and in need of support, based on the needs of the party and the ability of the other party to pay, to be awarded final support and the court shall consider certain factors to determine the amount and duration of that support.

Provides that the provisions of this Act are intended to legislatively overrule the decisions of the court in *Hammack v. Hammack*, 1999-2809 (1st Cir. 12/22/00), 778 So. 2d 70 and in *Brett v. Brett*, 2000-0436 (1st Cir. 5/30/01), 794 So. 2d 912.

Provides that the provisions of this Act are interpretative and shall apply to pending claims in which trial has not yet commenced as of the effective date of this Act.

HB 778 by Hunter (*Last Action – Enrolled*)

Provides that an obligee may file a judgment of past due child support with the office of motor vehicles and that the judgment shall operate as a privilege on a motor vehicle owned by the person owing support, and shall not affect liens, privileges, chattel mortgages, or security interests already affecting or burdening the motor vehicle on the date of the filing.

Provides that the motor vehicle shall be subject to seizure and sale for the payment of the judgment according to the preference and rank of the lien securing its payment. Further provides that the privilege for child support shall be legally subordinate to motor vehicle purchase money security interests.

Provides that the court may order the judgment debtor to surrender the certificate of title to the judgment creditor or order the existing lienholder to submit the title to the office of motor vehicles for the addition of this privilege.

HB 1379 by Alexander (*Last Action – Sent to Governor*)

Requires that the spouses live separate and apart for 365 days, with some exceptions, in order to obtain a divorce if there are minor children of the marriage.

Provides that even if there are minor children of the marriage, if the court finds that one party has sexually or physically abused the other spouse or a child of that spouse or that a protective order or an injunction has been issued against the other spouse for abuse, a divorce may be granted after living separate and apart only 180 days.

Civil Law and Procedure

HB 265 by Ansardi *(Last Action – Sent to Governor)*

Provides for qualifications of mediators in child custody disputes and authorizes a person denied listing in the approved mediator register to request a review of that decision.

HB 266 by Ansardi *(Last Action – Sent to Governor)*

Provides for qualifications of mediators in juvenile court disputes and for the establishment and maintenance of a register of qualified mediators.

HB 539 by R. Carter *(Last Action – Act No. 386)*

Provides that certain social security benefits received by the child shall be credited as child support and requires an evidentiary hearing prior to reducing an arrearage based on a lump sum payment of a social security benefit.

PROCEDURE

HB 134 by Martiny *(Last Action – Enrolled)*

Provides that the declinatory exception of insufficiency of service of process includes the failure to request service of citation on the defendant within the time prescribed by C.C.P. Art. 1201(C) (90 days from commencement of action), and requires that the declinatory exception shall be expressly waived by a defendant unless the defendant filed the declinatory exception in accordance with the delay specified in C.C.P. Art. 928.

HB 174 by Bruneau *(Last Action – Act No. 12)*

Authorizes service of process of a judgment debtor rule on the counsel of record for the judgment debtor.

HB 180 by Bruneau *(Last Action – Act No. 337)*

Provides for the waive of the requirement to mail notice of judgment when all parties or their counsel are present in court for a contested motion, exception, or rule to show cause, and a final judgment is rendered.

HB 287 by Walker *(Last Action – Enrolled)*

Removes the requirement that in order to be exempt from seizure, one motor vehicle must be used for the exercise of a trade, calling, or profession, and provides that the motor vehicle may be used for any purpose. Also exempts from seizure, \$7,500 in equity value for one motor vehicle which is handicapped equipped for the use of the debtor or a member of his family who is physically handicapped and is used to transport such person for any purpose.

Civil Law and Procedure

HB 534 by Gallot *(Last Action – Act No. 267)*

Provides that a notice of pendency of an action shall cease to have effect after 10 years from the date of its recordation, that if the action or proceeding is still pending, the notice may be reinscribed by refiling the notice and that a reinscription of the notice that is filed before the effect of recordation ceases continues that effect for five years from the day the notice is reinscribed.

HB 535 by Gallot *(Last Action – Sent to Governor)*

Provides relative to the effects of recordation of a contract to buy or sell immovable property and provides for a 1-year period for reinscription and for the filing of a notice of lis pendens; also provides for a 5-year prescriptive period for an action for the breach or other failure to perform a contract for the sale, exchange, or other transfer of an immovable.

HB 598 by Greene *(Last Action – Sent to Governor)*

Authorizes the court to appoint a private process server without first attempting service by the sheriff, when serving citation of a summary proceeding as provided by C.C.P. Art. 2592(6) (habeas corpus, mandamus, or quo warranto proceeding) or (8) (child custody, visitation, and support, spousal support, family-related injunctions and matters) or a subpoena which is related to the proceeding.

HB 622 by Greene *(Last Action – House Committee)*

Would have authorized service of process on the secretary of state by registered or certified mail or by actual delivery by a commercial courier on a person in his office designated to receive service of process on corporations or limited liability companies.

HB 809 by Pitre *(Last Action – House Calendar)*

Would have provided that the law enforcement agency for a municipality shall be primarily responsible for transporting a person located in that municipality who is mentally ill or suffering from substance abuse and who is subject to a civil commitment.

HB 1167 by Thompson *(Last Action – Sent to Governor)*

Exempts from liability any person acting as a volunteer pilot for a nonprofit organization providing gratuitous transportation for a child or his family to hospital facilities for medical treatment, but limits exemption to losses or damages incurred by the child or his family.

Civil Law and Procedure

SB 671 by Marionneaux *(Last Action – Sent to Governor)*

Requires that when a party to a court proceeding requests and pays for a transcript of such proceeding, he shall be given an electronic copy of the transcript along with the paper copy at no additional charge or cost to the requesting party.

MEDICAL MALPRACTICE

HB 260 by Johns *(Last Action – House Committee)*

Would have added nursing home resident, donors of human blood and the body, organs, tissue, blood, and other bodily fluids of a deceased natural person to the definition of "patient" in the Malpractice Liability for State Services Act (MLSSA) and the Medical Malpractice Act (MMA).

Would have added to the definition of "malpractice" professional services and the failure to render services timely and the handling of a patient or deceased natural person, substandard acts or omissions in supervising, monitoring, handling, confining, or transporting, providing custodial care, loading and unloading, and all legal responsibility of a health care provider arising from acts and omissions during the procurement of blood, in the training or supervision of health care providers, from acts or omissions in a peer review process or the credentialing of a health care provider, from defects in blood, tissue, transplants, drugs, and medicines, or from defects in or failure of prosthetic devices, implanted in or used on or in the person of a patient.

Would have included in the definition of "health care" any act or treatment relating to or in connection with medical care, treatment, or confinement, or during or relating to or in connection with the procurement of human blood, including acts or omissions in the training or supervision, in the peer review process or the credentialing of health care providers and the confinement of a patient, including transporting, monitoring, supervision, or providing custodial care for a patient.

SB 406 by Lentini *(Last Action – Act No. 323)*

Creates an expedited risk review panel process for medical malpractice claims if it is agreed upon by all of the parties. Requires the attorney chairman to establish a schedule for submission of evidence to the panel within 90 days after selection of the third physician member of the panel. Further requires that a panel's opinion be rendered within 12 months of the date of notification of the attorney chairman. Further provides that no extension shall be given for such deadline, and that, if an opinion is not rendered within such time, suit may be filed against the health care provider.

Requires the claimant to provide all defendants with the names and addresses of all known health care providers who have treated the patient in the three years prior to the alleged

Civil Law and Procedure

malpractice and requires the claimant to provide all defendants with a HIPAA Complaint Authorization form to obtain medical records. Prohibits interrogatories to and depositions of parties and witnesses prior to the convening of the panel and prohibits the report of the expedited panel's opinion as admissible evidence in any action subsequently brought by the claimant and provides that neither party shall call a member of the panel as a witness.

HB 412 by Johns *(Last Action – Sent to Governor)*

Includes in the definition of "patient" a donor of human blood or blood components. Includes in the definition of "malpractice" all legal responsibility of a health care provider arising from acts and omissions during the procurement of blood or blood components. Includes in the definition of "health care" any treatment relating to the procurement of human blood or blood components.

HURRICANES KATRINA AND RITA

HB 666 by Burns *(Last Action – Failed to Pass/House)*

Would have prohibited inclusion in any insurance contract delivered or issued in this state from containing any condition, stipulation, or agreement limiting a right of action against the insurer to a period of less than 24 months next after the inception of the loss when the claim arises from a gubernatorially declared disaster.

HB 1302 by Burns *(Last Action – Enrolled)*

Interrupts prescription for one year on any insurance claim seeking to recover for loss or damage to property against an insurer on any policy issued to protect against certain enumerated insurable risks, when such loss or damage was caused by or as a result of Hurricane Katrina or Hurricane Rita, or both.

Provides that if the claim is not brought on or before August 30, 2007, for Hurricane Katrina or September 25, 2007, for Hurricane Rita, it shall be forever barred unless a contract or the parties thereto provide for a later date.

Authorizes any person to file a suit seeking a declaratory judgment regarding the constitutionality of this Act or certain other related Acts of this 2006 Regular Session.

HB 570 by Scalise *(Last Action – Sent to Governor)*

Prohibits persons from knowingly presenting or causing to be presented a false or fraudulent claim for funds, property, use of property, or other compensation from hurricane relief programs. Further prohibits persons from knowingly engaging in misrepresentation to obtain, or attempt to obtain, funds, property, use of property, or other compensation from hurricane relief programs.

Civil Law and Procedure

Authorizes the attorney general to institute a civil action in the courts of this state to seek recovery from persons who violate these provisions. Further authorizes an action to recover costs, expenses, fees, and attorney fees within 60 days of rendering of judgment by the district court, or 60 days after final opinion by court of appeal or supreme court, if a decision is appealed.

Provides that no action shall be instituted later than 10 years after the date upon which the alleged violation occurred; however, the action shall be instituted within one year of when the attorney general knew that the prohibited conduct occurred.

Authorizes a civil fine in an amount not to exceed three times the amount of actual damages sustained by the hurricane relief programs as a result of violation, and authorizes civil monetary penalties of not more than \$10,000 for each false or fraudulent claim, misrepresentation, illegal remuneration, or other prohibited act.

Authorizes a private person to institute a civil action, or "qui tam action" to seek recovery on behalf of hurricane relief programs and himself, except for the civil monetary penalty provided herein and provides procedures for the institution of such an action.

Provides that, if the attorney general intervenes in the action brought by a qui tam plaintiff, the plaintiff shall receive at least 10%, but not more than 20%, of actual damages and civil fines awarded by the court, exclusive of the civil monetary penalty, and provides factors for determining the percentage.

Creates the Hurricane Relief Programs Fraud Detection Fund, as a special fund in the state treasury, and provides that the fund shall be appropriated by the legislature to pay costs or expenses incurred by the attorney general in bringing actions, to enhance fraud and abuse detection and prevention activities, to pay rewards for information, and to provide a source of revenue for hurricane relief programs in this state to help citizens who were affected by Hurricane Katrina or Hurricane Rita.

Provides that no employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner in the terms and conditions of his employment because of any lawful act engaged in by the employee or on behalf of the employee in furtherance of any action taken pursuant to this law.

NOTARIES

HB 1213 by Powell, M. *(Last Action – Enrolled)*

Authorizes non-attorney notaries to qualify for statewide jurisdiction by taking and passing the existing statewide examination necessary to obtain a notary commission.

HB 1219 by Bowler *(Last Action – Act No. 423)*

Authorizes the secretary of state to grant leaves of absences for notaries public and to administer the statewide notarial examination; provides for notarial authority for notaries displaced by Hurricane Katrina or Hurricane Rita; provides for the statewide notarial examination to be administered twice per year at regional testing centers; and creates a \$35 application fee and increases the examination fee **from \$50 to \$75**.

HB 1222 by Gallot *(Last Action – Sent to Governor)*

Consolidates statutes relative to the duty of notaries public to record all acts of sale, exchange, donation, and mortgage of immovable property. Makes uniform the fines for failure to record such acts.

HB 1223 by Gallot *(Last Action – Enrolled)*

Clarifies the authority of a notary public to exercise any of the functions of a notary public within his jurisdictional limits, provided that his proper bond or sufficient errors and omissions insurance is maintained. Defines "valid notarial commission" and "validly appointed notary public".

COMMERCE

BUILDING CODES

HB 1185 by Dove (*Last Action - Act No. 420*)

Provides that no municipality or parish shall require that residential building plans for one and two family dwellings be prepared or stamped by a certified architect or engineer if the dwelling falls within the prescriptive standards of the latest edition of the International Residential Code or its referenced amendments.

HB 1298 by Dove (*Last Action - Act No. 431*)

Provides that the performance of any building code enforcement procedure shall not constitute or be construed as a warranty or guarantee as to quality of construction by a governmental enforcement agency, a governmental enforcement official or a third-party provider who contracts with a municipality or parish to provide code enforcement.

BUSINESS ENTITIES

HB 203 by Pinac (*Last Action – Act No. 153*)

Authorizes any domestic limited liability company, business corporation, partnership in commendam, or partnership to convert to another type of business entity by submitting a conversion application to the secretary of state, upon approval of the owners or members of the converting entity in the same manner as the adoption and approval of a merger.

Provides that an entity may not convert if an owner or member of the entity, as a result of the conversion, becomes personally liable, without the consent of the owner or member, for a liability or other obligation of the converted entity.

Unless otherwise agreed, the conversion shall not constitute a dissolution of the converting entity. The converting entity shall continue to exist, without interruption, but in the organizational form of the converted entity, rather than in its prior form.

Provides that upon receipt of the conversion application, the secretary of state shall immediately notify the Dept. of Revenue to determine if the applicant is current in the filing of all applicable tax returns and in the payment of all taxes, penalties, and interest owed, excluding items under formal appeal. If the Department of Revenue cannot issue a tax clearance, the secretary of state shall not issue a certificate of conversion.

Commerce

CONSUMER PROTECTION

HB 385 by Gray (*Last Action – House Committee*)

Would have prohibited unreasonable rent increases in areas affected by the devastation and evacuations caused by Hurricanes Katrina and Rita and would have defined such increases as an unfair trade practice.

SB 642 by Ellington (*Last Action – Sent to Governor*)

Exempts any person or entity which sells property through an Internet-based trading platform from the law concerning licensing of auctioneers, unless their activities would constitute an "auction" as defined below.

Redefines the term "auction" to be the sale by competitive bid of any property consisting of a series of invitations for offers to purchase property made by the auctioneer and offers to purchase made by members of the audience culminating in the acceptance by the auctioneer of the highest or most favorable bid.

Defines "auction house," "auction company," and "auction business," to mean any entity which arranges, manages, sponsors, advertises, or carries out two or more auctions within any twelve-month period and which regularly represents that goods are sold at auction, except for public livestock auctions.

HB 259 by Salter (*Last Action – Senate Committee*)

Would have provided for licensing of automotive glass repair technicians under the authority of the Recreational and Used Motor Vehicle Commission and would have added an additional member to the commission who is a licensed automotive glass repair technician.

CONDOMINIUMS

HB 1169 by Pinac (*Last Action - Act No. 358*)

Provides for a condominium association's privilege on a condominium for unpaid or accelerated sums due by the condominium owner. Provides that if the condominium owner fails to timely pay assessments for a period of 6 months or more during any 8 month period the association may accelerate the assessments on common elements for a 12 month period and file a privilege for the accelerated sums.

Commerce

ECONOMIC DEVELOPMENT

HB 400 by M. Jackson (*Last Action – Act No. 346*)

Creates the Office of Entertainment Industry Development under the Department of Economic Development by expanding and renaming the Governor's Office of Film and Television Development. Provides that the new office shall develop and promote the development of digital media and music production in Louisiana in addition to the current office's emphasis on film and television production.

Abolishes the position of director of the office and provides that the secretary of the Department of Economic Development shall appoint personnel to fill positions of the office.

Requires the new office to establish a partnership with the Dept. of Culture, Recreation and Tourism and the La. Music Commission that provides for collaboration between the office, the commission, and the department to advance, through strategic initiatives, Louisiana's economy.

ELECTRIC UTILITIES

HB 887 by Pinac (*Last Action – Act No. 64*)

Creates the La. Electric Utility Storm Recovery Securitization Act. Authorizes the creation, perfection, and priority of security interests in storm recovery property. Authorizes an electric utility to petition the Public Service Commission or the council of the city of New Orleans for a financing order. Further provides that no electric utility or affiliate or other assignee shall issue any storm recovery bonds until it has been specifically authorized to do so by order of the PSC or the New Orleans City Council.

Provides that all storm recovery property shall constitute an existing, present contract right constituting an individualized, separate incorporeal movable susceptible of ownership, sale, assignment, transfer, and security interest.

Provides that storm recovery bonds are not a debt or a general obligation of the state or any of its political subdivisions, agencies, or instrumentalities and are not a charge on their full faith and credit. Further provides that an issue of storm recovery bonds does not obligate the state or any agency, political subdivision, or instrumentality of the state to levy any tax or make any appropriation for payment of the bonds, other than for paying storm recovery charges in their capacity as consumers of electricity.

Commerce

FINANCIAL INSTITUTIONS

HB 448 by Marchand (*Last Action – Sent to Governor*)

Authorizes the Office of Financial Institutions to expend funds during certain emergencies to encourage and facilitate communication between Louisiana citizens and their financial institutions and to inform and educate Louisiana citizens of their potential options under federal guidelines.

Provides that if a lender requires full payment of the deferred principal and interest upon termination of the deferment period, then the lender shall obtain written approval from the borrower prior to the acceptance of the deferment.

SB 743 by Murray (*Last Action - House Calendar*)

Would have created the Louisiana Motor Vehicle Title Loan Act to provide for title loans which would have required a borrower to provide a security interest in their unencumbered vehicle.

Would have provided that the initial term of a title loan was 30 days and that subsequent 30 day extensions could have been granted by the lender provided that the initial amount financed was reduced by at least 10%. The maximum interest rate for a title loan would have been 25% percent for each 30 day period and the minimum loan amount would have been for \$350 and the maximum loan amount would have been \$3,000. The maximum term for a title loan, including 30 day extensions, would have been 10 months.

Would have provided that if a default on the loan occurred, the lender could demand the borrower to turn over possession of the vehicle within 15 days of the date demand was sent to the borrower. If possession of the vehicle was not relinquished or the loan was not payed within that time, the lender could have seized the borrower's vehicle by judicial process or through an authorized self help agent.

Would have provided that a borrower would not be subject to a deficiency judgment or have personal liability with respect to the loan absent fraudulent conduct by the borrower.

FUNERALS AND FUNERAL HOMES

HB 96 by Hutter (*Last Action - Act No. 330*)

Requires funeral establishments operating in the state to affix the name of the deceased contained in the casket, the date of death of the deceased, and the name of the funeral home on all caskets used by such establishment for burial.

Commerce

HB 1380 by LaBruzzo *(Last Action - Sent to Governor)*

Provides that no person who controls interment who views the remains of the deceased, shall prevent a child of a deceased parent from viewing the body within a reasonable period of time prior to its transfer to the cemetery or crematory. Specifies that the duty to allow viewing of the body does not exist if other specific directions have been given by the deceased in the form of a written and notarized declaration.

RIVER PILOTS

HB 781 by Pinac *(Last Action - Act No. 6)*

Provides that all ordinary and necessary operating and administrative expenses of the Pilotage Fee Commission shall be provided for in the pilotage fees and rates.

TELECOMMUNICATIONS

HB 540 by Burns *(Last Action – Senate Committee)*

Would have required the Governor's Office of Homeland Security and Emergency Preparedness to be responsible for developing a private encrypted microwave fiber and/or satellite network using an Internet protocol and would have required the system to be able to withstand hurricane force winds and to have certain specified components.

HB 619 by Burns *(Last Action – Senate Committee)*

Would have required the Governor's Office of Homeland Security and Emergency Preparedness to be responsible for developing a rapid communications system for times of disaster or emergencies for communication between state and local government and between state and local government and the citizenry of the state and would have required the communications system to have certain specified components.

HB 699 by Montgomery *(Last Action – Sent to Governor)*

Creates the Competitive Cable and Video Services Act. Provides that any person or entity seeking to provide cable or video service in this state file an application for a 10 year, renewable, statewide franchise with the secretary of state. The application shall contain a list of municipalities and parishes to be served, in whole or part, by the applicant, which list shall be updated by the applicant prior to the provision of cable service to an area within a previously undesignated local governmental subdivision.

Authorizes an incumbent provider of cable or video service the option to terminate their existing franchises previously issued by a local governmental subdivision and may instead offer cable or video service under the statewide franchise.

Commerce

Provides the holder of a statewide franchise certificate may be required to pay a franchise fee at a percentage of the holder's gross revenues received from the provision of cable or video services to subscribers located within the municipality or unincorporated areas of the parish and from certain types of advertising. However, such percentage shall not exceed the lesser of the incumbent cable service provider's franchise fee imposed by a local governmental subdivision or 5% of the holder's gross revenues as defined by proposed law.

Provides that a local governmental subdivision having a home rule charter governed by Art. VI, §4 of the La. Constitution shall not be subject to the Act, but by local ordinance, may elect to be governed by the Act.

SPORTS AND AMUSEMENTS

HB 1299 by Montgomery (*Last Action - Act No. 238*)

Provides for the resale of admission tickets to athletic and other amusement events for an amount in excess of the price printed on the ticket under certain circumstances. Resale shall only take place if the organizer of the event and the operator of the location where the event is occurring authorize admission tickets to such event to be resold for an amount in excess of face value and such tickets are resold through a web site where the web site operator guarantees a full refund of the ticket. Provides that the resale provisions shall not apply to University sports events tickets allocated to Louisiana legislators or to student tickets issued by Louisiana universities for sporting events.

EDUCATION

(See the Appropriations section for more highlights relative to elementary, secondary, and postsecondary education, including funding to provide pay increases for faculty at public colleges and universities.)

MINIMUM FOUNDATION PROGRAM (MFP)

HCR 290 by Crane *(Last Action – Enrolled)*

Provides for legislative approval of the formula for FY 2006-2007 to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to city, parish, and other local public school systems (including the Recovery School District and two university laboratory schools) as developed by the State Board of Elementary and Secondary Education (BESE) and adopted by the board on June 5, 2006. HB 1 appropriates \$2.7 billion to implement HCR 290, an increase of \$105 million over FY 2006-2007.

Also, the formula:

- (1) Provides an across the board \$1,500 pay raise (and associated retirement benefits) for specified certificated personnel, including teachers, therapists/specialists/counselors, school site-based principals, assistant principals, and other school administrators, central office certificated administrators, school nurses, and eligible persons on sabbaticals.
- (2) Provides an across the board \$500 pay raise (and associated retirement benefits) for non-certificated school support personnel, including aides, support supervisors, clerical/secretarial, service workers, skilled craftsmen, degreed professionals, and certain others.
- (3) For local school systems (41), state charter schools, and laboratory schools with an average teacher salary below the latest published Southern Regional Education Board (SREB) average, requires 50% of increased funds provided in Levels 1 and 2 over the prior year (after adjusting for increases in student membership) to be used only to supplement and enhance full-time certificated staff salaries and retirement benefits.
- (4) Provides \$80 per student to support increasing mandated costs for health insurance, retirement system contributions, and fuel.
- (5) Increases the base per pupil amount **from \$3,554 to \$3,652**. (Retains provisions for subsequent annual adjustments in per pupil amount.)

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- (6) Increases the weight for add-on student units for at-risk students **from 0.17 to 0.19**. Adds students identified as "limited English proficient" to the at-risk student definition.
- (7) Provides two mid-year adjustments for counting additional students.
- (8) For FY 2006-2007 only, uses specified minimum membership numbers for school systems severely impacted by Hurricanes Katrina and Rita. For such systems and for this same time period, also contains special provisions relative to the calculation of a system's total revenue capacity.
- (9) For purposes of calculation of the local school system wealth factor, changes the cap on an increase in a district's computed sales tax base **from 20% to 15%**.
- (10) Requires that local school boards ensure that 70% of the local school system general fund expenditures are in areas of instruction and school administration **at the school building level** as derived by the state Dept. of Education. Defines instruction and school administration for this purpose.
- (11) Continues "hold harmless" funding enhancements for school systems identified as "over funded" in FY 2000-2001.
- (12) Continues the accountability student transfer enhancement. (Additional funding for a student who transfers from a failing school to an academically acceptable school in another district.)

HR 102 by Fannin (*Last Action – Enrolled*)

Requests BESE, relative to the calculation in the MFP formula of the local school system wealth factor, to develop, adopt, and submit to the legislature for its approval and funding MFP formulas, beginning with the formula for the 2007-2008 school year, that exclude from the calculation of the local system's property tax revenue capacity and sales tax revenue capacity any such revenues that are the result of a court-ordered settlement agreement until such funds are actually included in the school system's operating budget for any particular year and that provide further that only one-third of such budgeted amount shall be recognized for the purposes of calculating the system's local wealth factor.

HR 103 by Fannin (*Last Action – Enrolled*)

Requests BESE, in considering issues relative to the MFP formula, especially any considerations relative to the local wealth factor component of the formula, to solicit requests for proposals from a broader field of consultants with expertise in the area of school finance and to submit a written report on the status of such solicitations to the House education committee prior to the convening of the 2007 R.S.

HB 181 by Downs *(Last Action – Failed to Pass/House)*

Would have authorized the state superintendent of education, in the event of a disaster which necessitates the governor or the U.S. president to formally declare an area of the state as a disaster area, to recommend to the Joint Legislative Committee on the Budget the suspension or reduction of any monthly MFP payments for the affected local public school systems, state-approved charter schools, or laboratory schools as he deems appropriate to address any necessary reduction in requirements for education services. Would have provided that if such recommendation is approved by the Joint Legislative Committee on the Budget, the state superintendent of education shall have temporary authority to suspend or reduce any monthly MFP payments for the affected local school systems, state-approved charter schools, or laboratory schools.

Would have provided that such authority given to the state superintendent remain in effect for a period of time not to exceed 90 days or until BESE adopts and the legislature approves a revised MFP formula, whichever is earlier. Would have further provided that if no revised formula is adopted and approved within 90 days from the date that the state superintendent exercises such authority, the state superintendent shall make immediate payments to restore to the affected systems or schools any reduced or suspended amounts and resume payments as provided in the MFP formula last adopted by BESE and approved by the legislature.

SCHOOL BOARDS

SB 539 by Ullo *(Last Action – Sent to Governor)*

Requires local public school boards to employ or share by agreement business managers or chief financial officers who meet qualifications established by BESE.

HB 310 by Tucker *(Last Action – Enrolled)*

Relative to the authority and powers of the local school board and local superintendent of a school system that is academically in crisis, repeals provisions that:

- (1) Limited the authority of the local board to certain powers (i.e., incur debt, pay debt, issue bonds, sue or be sued, approve budgets, acquire property, enter into collective bargaining agreements, and reapportion).
- (2) Empowered the local superintendent with sole and exclusive authority as to all other matters regarding the policy for and operation and management of the local system, including but not limited to certain powers.
- (3) Prohibited the local superintendent from entering into contracts under certain circumstances.

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- (4) Required the local superintendent to submit certain reports to the local board, BESE, and the legislative auditor.
- (5) Required the local superintendent to develop a structured system improvement plan.
- (6) Required the local superintendent to seek and consider advice and input from the local board.
- (7) Authorized the local superintendent to enter into and obligate the school system to certain contracts under specified circumstances.
- (8) Authorized the local board to prohibit the local superintendent from initiating or renewing certain contracts under specified circumstances.
- (9) Prohibited the local board from contracting with or employing a superintendent or terminating the contract or employment of the incumbent superintendent except with the affirmative vote of not less than 2/3 of the elected members of the board and prohibited any decrease in the local superintendent's salary.
- (10) Provided for certain actions to occur if the local superintendent was terminated or if there was a vacancy in the superintendency.

HB 815 by White (*Last Action – Act No. 202*)

Establishes a separate school system for the Central community in East Baton Rouge Parish. Creates an interim school board pending the election of a school board. Specifies that the organization, powers, duties, functions, responsibilities, and compensation of the school board and the interim board shall be as provided by law generally for local school boards. Provides that the Central Community School Board shall begin actual operation of providing for the education of students on July 1, 2007. Also provides for reapportionment of the East Baton Rouge Parish School Board when the Central Community School Board begins operation as a separate school system.

Effective if and when the constitutional amendment proposed by House Bill No. 48 of the 2006 R.S. granting the Central community school system certain authority granted parishes relative to financing schools is adopted and becomes effective.

HB 48 by White *(Last Action – Filed with Secretary of State)*

Constitutional amendment to grant the Central community school system in East Baton Rouge Parish the same authority granted parishes for certain school finance purposes, including purposes related to the minimum foundation program, funding for certain school books and instructional materials, and the raising of certain local revenues for the support of elementary and secondary schools, and to provide that no state dollars shall be used to discriminate or to have the effect of discriminating in providing equal educational opportunity for all students.

SCHOOL EMPLOYEES/SALARY SUPPLEMENT

HB 105 by Crane *(Last Action – House Committee)*

HB 175 by Badon *(Last Action – Act No. 253)*

Extends the deadline **from** July 1, 2007, **to** July 1, 2013, by which an otherwise eligible classroom teacher must have been awarded an initial certificate issued by the National Board for Professional Teaching Standards for that person to receive from their school board a mandated salary adjustment of not less than \$5,000.

HB 167 by Badon *(Last Action – Act No. 151)*

Extends the deadline **from** July 1, 2007, **to** July 1, 2013, by which an otherwise eligible school counselor must have been awarded an initial credential issued by the National Board for Certified Counselors for that person to receive from their school board a mandated salary adjustment of \$5,000.

HB 210 by Badon *(Last Action – Act No. 73)*

Extends the deadline **from** July 1, 2006, **to** July 1, 2013, by which an otherwise eligible school psychologist must have been awarded an initial credential issued by the National School Psychology Certification Board for that person to receive from their school board (subject to the appropriation of state funds for this purpose) a salary adjustment not to exceed \$5,000.

HB 504 by M. Powell *(Last Action – House Committee)*

Relative to a state salary supplement for classroom teachers, proposed constitutional amendment would have required that a certain portion of any increase in the official revenue forecast be used for this purpose.

Education

STUDENT IMMUNIZATIONS

HB 154 by Strain *(Last Action – Act No. 251)*

Requires satisfactory evidence of current immunization against meningococcal disease as a condition of registration for courses at a public or nonpublic postsecondary education institution for the Fall, 2006 semester, quarter, or comparable academic period. Requires such evidence as a condition of initial registration for new and returning students (who were not registered in Fall, 2006) effective for the Spring, 2007 semester, quarter, or comparable academic period and thereafter. Provides exceptions.

HB 768 by Strain *(Last Action – Enrolled)*

Provides that the provisions of Act No. 251 of the 2006 R.S. (see above) shall be implemented according to rules promulgated by the DHH secretary, including an implementation schedule which shall be based on ensuring a sufficient availability of vaccine. Provides that the secretary shall establish, in consultation with the Board of Regents, a priority of cohorts of students to be vaccinated to minimize the possibility of an outbreak, the first of which shall be first-time freshmen and students living in on-campus residential facilities who shall be required to present satisfactory evidence of current vaccination as provided in such Act unless the secretary determines that an insufficient supply of vaccine is available. Requires the time by which immunization shall be required for these students in the event of an insufficient supply and for other cohorts of students to present such evidence to be provided in the implementation schedule. Requires the secretary of DHH to provide rules, including the implementation schedule, to the Board of Regents by August 1, 2006, and the Board of Regents to notify each postsecondary management board and, through such, the CEO of each postsecondary education institution of the requirements of such Act and the rules and schedule for their implementation.

STUDENT TUITION

HB 883 by Salter *(Last Action – Act No. 95)*

Authorizes the LSU Board of Supervisors to impose tuition and mandatory fees of \$4,000 per fall or spring semester for full-time graduate students enrolling in the Doctor of Physical Therapy Program at the LSU Health Sciences Center in New Orleans or Shreveport for the Fall 2006 semester and any fall or spring semester thereafter.

HB 910 by Salter *(Last Action – House Committee)*

Would have authorized the LSU Board of Supervisors to impose an increase in the operational fee by an amount of \$150 per semester for full-time undergraduate and graduate

students effective for the Fall 2006 semester and thereafter. Would have provided that such fee be applied proportionally for part-time students and for summer sessions and that such fee not be a cost that is payable by the state on behalf of any student who is a recipient of an award under the Tuition Opportunity Program for Students. Would have required the board of supervisors to establish criteria for waivers of such fee increase in cases of financial hardship.

HB 1342 by Honey *(Last Action – Act No. 437)*

Authorizes the Southern University Board of Supervisors to increase the amount of tuition charged per student at the university laboratory school by the following amounts:

- (1) For the 2006-2007 school year and thereafter, by an amount not to exceed \$500.
- (2) For the 2007-2008 school year and thereafter, by an additional amount not to exceed \$500.

VOCATIONAL - TECHNICAL TRAINING

HB 1023 by Hutter *(Last Action – Act No. 99)*

Requires the Board of Supervisors of Community and Technical Colleges to cooperate and work together with BESE to improve linkages and career and technical education pathways between high schools and community and technical colleges.

SB 749 by Nevers *(Last Action – Enrolled)*

Provides for articulated and reciprocal technical training for high school students through the establishment of dual enrollment programs that offer such students opportunities to simultaneously attend public secondary schools and community and technical colleges. Requires BESE and the Bd. of Supervisors of Community and Technical Colleges to meet together and establish, by no later than Jan. 1, 2007, the basis for schools under their respective jurisdictions to reciprocally provide articulated postsecondary technical college credit and Carnegie unit credit toward high school graduation for successful completion of units of training regardless of whether the training occurred in a community or technical college or a public secondary school.

Provides for pilot partnerships during the 2007-2008 school year between local school boards and public secondary schools not under the jurisdiction of a local board and community and technical colleges. Authorizes BESE to extend such pilots and increase the number of partnerships for a second pilot year. Provides that by no later than the beginning of the 2010-2011 school year or as soon as funding is made available, eligible public secondary school students 16 years old but less than 21 years old shall have the opportunity to be

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simultaneously enrolled in the public secondary school and in a community or technical college undertaking a program of technical training as provided in SB 749.

GEOGRAPHY EDUCATION

SB 489 by Smith *(Last Action – Act No. 462)*

HB 940 by Crane *(Last Action – House Committee)*

Creates the La. Geography Education Initiative Program for the purpose of promoting the value and importance of geography in La. schools through an effort among agencies involved in higher education and elementary and secondary education and the National Geographic Society of Washington, D.C. Provides that to the extent funds are available, the legislature annually shall appropriate to the program funds awarded to the program including but not limited to those awarded by the National Geographic Society of Washington D.C., together with the state matching funds consistent with the agreement with the National Geographic Society. Creates the La. Geography Education Initiative Program Council and provides for membership, powers, and duties of the council.

SCHOOL CHOICE/VOUCHERS

HB 301 by Burns *(Last Action – House Calendar)*

Would have established the Vouchers for Students in Failing Schools Pilot Program as a four-year program beginning with the 2006-2007 school year for participating students in kindergarten through grade 12 in parishes with a population of at least 475,000 persons. Would have provided for eligibility requirements for participating students and nonpublic schools. Would have provided for receipt of vouchers by parents or guardians to pay tuition and fees of eligible students who enroll in eligible nonpublic schools and would have limited such voucher amount to the average per pupil allocation of state funds to the school system that the student otherwise would have attended. Would have further provided for program administration and implementation by the state Dept. of Education.

ENVIRONMENT

SB 615 by Fontenot *(Last Action – Act No. 126)*

Enacts the "Louisiana Mercury Risk Reduction Act". Requires notification to the Dept. of Environmental Quality of certain mercury-added products being offered for final sale or use. As non mercury-added alternatives become available, products are to be phased out according to the amount of mercury they contain. Specific products, such as mercury-added novelty items are prohibited from sale, and the sale of mercury-added thermometers without a prescription and certain sales of bulk elemental mercury are prohibited.

HB 486 by McDonald *(Last Action – House Committee)*

Would have created a mercury switch, also known as "convenience switch", removal program whereby automobile scrap yards and recyclers would be reimbursed at least \$5 per switch removed in accordance with a Dept. of Environmental Quality approved plan proposed and executed by automobile manufactures.

HB 55 by McDonald *(Last Action – Sent to Governor)*

Provides for an exception from the fee collected on the sale of tires for tires removed from a Louisiana titled vehicle and sold from scrap or salvage yard.

Also provides for payments to waste tire processors. Requires payment from future Waste Tire Management Fund surpluses of the difference between the monthly full payment and the pro rata share paid to the processors in months when the fund is insolvent. This provision responds to a 2005 opinion of the attorney general stating that the payment of such differences are not an obligation of the Dept. of Environmental Quality.

Requires the department give notice to tire processors when payments are withheld and that any disputed payments for the processing of tires be placed in escrow until the dispute is resolved.

SB 292 by Fontenot *(Last Action – Sent to Governor)*

HB 870 by Damico *(Last Action – Sent to Governor)*

SB 292 authorizes an expedited permit program for applicants who may request such services and requires the secretary to adopt rules which include a notice that indicates such permit is an expedited permit. HB 870 establishes a fee for the expedited permit program based on the maximum overtime hourly salary of a Dept. of Environmental Quality employee and the hours required to process the permit.

Environment

SB 250 by Fontenot *(Last Action – Act No. 117)*

HB 1104 by Damico *(Last Action – House Committee)*

Shortens time periods for administrative completeness review on environmental permit applications and for final decision on environmental permits.

SB 209 by Fontenot *(Last Action – Act No. 115)*

Authorizes the Dept. of Environmental Quality to develop regulatory permits for certain sources of air and water pollution. These permits will not be available for major modifications or stationary sources and such regulatory permits must be promulgated through the APA.

HB 851 by Damico *(Last Action – Sent to Governor)*

Authorizes the Dept. of Environmental Quality to charge a fee for environmental reviews of immovable property requested by the landowner or a party to a real estate transaction involving the property based on the maximum per hour overtime salary of a civil service employee of the department.

Requires the Dept. of Environmental Quality to promulgate rules for making a determination if an environmental media is hazardous waste and to collect a fee of up to \$3,000 per determination.

HB 877 by Damico *(Last Action – Sent to Governor)*

Establishes a fee of 20¢ per ton of construction or demolition debris disposed of in a landfill permitted as a construction or demolition debris landfill. This fee is excluded on debris that is not charged a separate fee by the facility.

HEALTH AND WELFARE

SMOKING

SB 742 by Marionneaux *(Last Action – Sent to the Governor)*

Prohibits smoking in public places, schools, school buses, and school campuses, except for limited designated outdoor areas, public buildings, and enclosed areas within places of employment. Also prohibits an employer from knowingly permitting smoking in any enclosed area within a place of employment.

Makes exceptions for private homes, private residences, and private automobiles; limousines under private hire; hotel or motel rooms designated as smoking rooms; retail tobacco businesses; bars; outdoor areas of businesses; private and semiprivate rooms or apartments in a long-term care facility; certain gaming operations; workplaces of any manufacturer, importer, wholesaler or distributor of tobacco products; all tobacco storage facilities; convention facilities during certain events; designated and well ventilated smoking rooms in nursing homes; hotel or motel rooms operated by a casino or gaming operation; outdoor patios; and any state, local, or private correctional facility prior to August 15, 2009.

Permits municipalities to adopt and enforce additional local laws, ordinances, or regulations that comply with at least the minimum applicable standards to establish smoke free public places.

RURAL HOSPITALS

SB 570 by Hines *(Last Action – Sent to Governor)*

Notwithstanding certain exceptions, prohibits Louisiana physicians from making a referral to any healthcare facility for the receipt of healthcare services if the referring physician or an immediate family member of the referring physician maintains a direct or indirect ownership interest in the healthcare facility. The prohibition applies if both the physician provides professional medical services within the primary service area of a rural hospital and the healthcare facility in which the physician or any immediate family member of the physician maintains a direct or indirect ownership is located within the primary service area of any rural hospital.

Health and Welfare

ABORTION

HB 1382 by Crowe *(Last Action – Senate Calendar)*

Requires that at least 24 hours before an abortion the physician who will perform the abortion inform the woman, orally and in person, of the availability of anesthesia or analgesics to alleviate or eliminate organic pain to the unborn child that could be caused by the method of abortion to be employed. Also requires that DHH publish, in English, printed materials that contain information relating to an unborn child having the physical structures necessary to experience pain.

CHARITABLE PHARMACIES

SB 19 by McPherson *(Last Action – Sent to Governor)*

Allows charitable pharmacies to accept drugs in single-unit doses subject to the approval of the pharmacist at the charitable pharmacy. Requires non-executive branch health care facilities enrolled in Medicaid to attempt to donate all excess drugs. Any charitable pharmacy that is farther than 20 miles away from the prescription drug donor shall make arrangements to receive the drugs. Also, allows charitable pharmacies to refuse drugs in conflict with the faith values of a charitable pharmacy.

HB 1235 by LaBruzzo *(Last Action – Sent to Governor)*

Allows for the donation of prescription drugs to the Department of Corrections provided that such prescription drugs are first offered to and refused by a charitable pharmacy. The refusal must be documented and kept on file by the donor.

PRESCRIPTION DRUGS

HB 153 by Johns *(Last Action – Sent to Governor)*

Creates an electronic system, known as the prescription monitoring program, for the purpose of monitoring controlled substances and other drugs of concern dispensed in the state or dispensed to an address within the state in order to improve the state's ability to identify and inhibit the diversion of controlled substances and drugs in an efficient and cost-effective manner and in a manner that does not impede the appropriate utilization of these drugs for legitimate medical purposes.

HB 693 by Johns *(Last Action – Sent to Governor)*

Authorizes the Department of Health and Hospitals (DHH) to issue licenses to every person who manufactures, distributes, or dispenses any controlled dangerous substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any

controlled dangerous substance within this state. Also transfers the authority to issue and regulate such licenses from DHH to the Louisiana Board of Pharmacy in all proper places in existing law.

NURSING HOMES

SB 529 by L. Jackson *(Last Action – Sent to Governor)*

Requires DHH to promulgate rules and regulations relative to evacuation and sheltering in place for nursing homes. If a nursing home is unable to find satisfactory placement options for its residents, DHH shall be required to assist in evacuation and placement. Requires DSS to assist in finding alternative shelter sites if a nursing home is unable to proceed to its sheltering host site. Requires local or parish offices of homeland security and emergency preparedness to aid nursing homes with transportation if a nursing home encounters problems with its transportation provider.

HB 204 by Hunter *(Last Action – Sent to Governor)*

Provides that by January 1, 2008, all nursing homes must be protected throughout by a supervised automatic fire sprinkler system. Completed sprinkler plans for these systems must be submitted to the secretary for review and approval by December 31, 2006. Additionally provides for reimbursement mechanisms for Medicaid certified nursing homes which install or extend a sprinkler system or renovates its facility.

SB 681 by McPherson *(Last Action – Sent to Governor)*

Broadens the moratorium on nursing homes beds to include beds not enrolled in the Title XIX program. Also, lengthens the moratorium on nursing home beds **from 2010 to 2012**, and lengthens the moratorium on replacement nursing home beds **from 2007 to 2008**.

MENTAL HEALTH

SB 624 by McPherson *(Last Action – Sent to Governor)*

Provides for the inclusion of psychiatric mental health nurse practitioners and medical psychologists in mental health law. Allows mental health facilities to grant certain institutional privileges to certain qualified staff. These privileges include allowing psychiatric mental health nurse practitioners to write emergency certificates to admit patients into treatment facilities, participate in staff discharges of mental health patients, order restraints or seclusion, and order medication to be administered to a patient. All of these privileges are also allowed to medical psychologists except for the ability to write emergency certificates which is already provided for in **present law**.

Health and Welfare

DEPARTMENT OF HEALTH AND HOSPITALS

SB 562 by Bajoie *(Last Action – Act No. 465)*

Provides that the office of aging and adult services within DHH be responsible for the programs and functions of DHH related to the long-term care of the elderly and the protection and long-term care of persons with adult onset disabilities. It shall administer the residential state-operated nursing homes, the Villa Feliciana Medical Complex, the protection services program of adults from ages 18-59, the department's long-term supports and services programs, as well as other related programs within DHH.

HCR 127 by Durand *(Last Action – Enrolled)*

Creates the Louisiana Health Care Redesign Collaborative. The collaborative will serve as an advisory board to the Department of Health and Hospitals for the development of recommendations and plans for the redesign of the New Orleans health care system. The collaborative consists of 40 members and is chaired by the secretary of DHH. Also creates a separate subcommittee focused on the rebuilding of the health care system in the area affected by Hurricane Rita. The collaborative shall submit an annual report by December 31, 2006, and shall submit a final report by December 31, 2007.

NEWBORN TESTING

HB 293 by Strain *(Last Action – Sent to Governor)*

Requires the physician attending a newborn child to have the child subjected to tests for an additional twenty conditions subject to funding for the laboratory tests, follow-up, and treatment.

PUBLIC HEALTH

HB 510 by Barrow *(Last Action – Act No. 384)*

Requires all food services establishments provide a sign posted at the location of self-service buffets which encourages individuals to wash their hands prior to serving themselves.

HB 1234 by Jefferson *(Last Action – House Committee)*

Prohibits human oocytes or embryos from being acquired, sold, received, or otherwise transferred for valuable consideration for medical research or development of medical therapies and prohibits payment in excess of the amount of reimbursement of expenses to be made to any research subject to encourage her to produce human oocytes for the purposes of medical research. Also requires a physician, prior to providing assisted oocyte production for purposes of donating eggs for medical research or for developing medical therapies,

obtain written consent from his patient and provide to his patient a standardized written summary of health and consumer issues. See House Study Request No. 11.

VITAL STATISTICS

HB 369 by Durand *(Last Action – Act No. 377)*

Changes the definition of biological parents to include children born of a surrogate who is related by blood or affinity to either the husband or wife.

SANITARY CODE

HB 1383 by Townsend *(Last Action – Sent to Governor)*

Allows retail food establishments with under 500 square feet of usable space and which do not contain wet bars to have one restroom facility.

FOSTER PARENTS

HB 1370 by Gray *(Last Action – Act No. 439)*

Provides for certain rights for foster parents including: the right to be treated with respect, the right to receive feedback on their role as care givers, the right to be informed of support services, the right to receive necessary training, the right to participate in the foster child's case plan, the right to twenty four hour staff assistance in the case of an emergency, the right to receive information on agency policies and procedures, the right to be the first placement option if relative placement is not possible, and the right to have an advocate from the Louisiana Advocacy Support Team in the case of an investigation or grievance proceeding.

MEDICAID

HB 1262 by Salter *(Last Action – Sent to Governor)*

Authorizes the Department of Health and Hospitals (DHH) to limit Medicaid ingredient reimbursement for multi-source prescription drugs in accordance with state and federal laws. Further requires DHH to reimburse a reasonable dispensing fee for all drugs, not to be less than \$15 per prescription for drugs that a federal upper limit has been set, subject to approval of the Centers for Medicare and Medicaid Services for the use of federal financial participation and subject to an annual appropriation.

Health and Welfare

CHARITY HOSPITALS

SB 697 by Bajoie *(Last Action – Senate Calendar)*

Mandates the opening of Medical Center of Louisiana, New Orleans campus owned and operated by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College by 10/31/06 with as many hospital beds as possible.

CHILD SUPPORT

HB 355 by Triche *(Last Action – Act No. 375)*

Authorizes DSS to obtain from certain state entities to assist in locating parents for support enforcement services with out the need of an order from a judicial or administrative tribunal. Extends that authority to certain occupational licenses, and business records.

SB 407 by Lentini *(Last Action – Act No. 121)* (Duplicate of HB 819 by Triche)

Allows DSS to intercept progressive slot machine annuities for the purpose of paying past due child support.

ELDERLY

HB 1404 by M. Guillory *(Last Action – Sent to Governor)*

Requires employers of nonlicensed persons and licensed ambulance personnel to perform a security check of an applicant by searching the national sex offender public registry and mandates that authorized agents shall notify state police if the security check reveals that an applicant is listed in the registry.

Adds the following crimes to the list of enumerated crimes that shall be reported as part of the mandatory criminal history check of an applicant: Aggravated kidnapping of a child; Damage to property with intent to defraud; Identity theft; Theft of a business record; Theft of assets of an aged person or disabled person; Fraudulent acquisition of a credit card; Illegal possession of stolen things; Illegal possession of stolen firearms; False accounting; Medicaid fraud; Refund or access device application fraud; Access device fraud; Fraudulent remuneration; Bank fraud; Illegal use of controlled dangerous substances in the presence of persons under seventeen years of age; Purchase of human organs; Hate crimes; Terrorism; and Aiding others in terrorism.

Requires employers of nonlicensed persons and licensed ambulance personnel to obtain a written release for the criminal history check and the security check from an applicant and also requires employers to inform an applicant that it is a crime to provide false information

Health and Welfare

concerning a criminal history check. Requires state police and authorized agents to provide an employer with a written report of the criminal history check and security check of an applicant.

HOUSE AND GOVERNMENTAL AFFAIRS

ETHICS

SB 382 by Dardenne *(Last Action – House Calendar)*

Would have repealed provision of the Code of Governmental Ethics allowing an elected official to accept a thing of economic value as a gift or gratuity from any person related to a cultural or sporting event, as well as reasonable entertainment incidental to such event, when the value of such gift is \$100 or less per event and \$500 or less in a calendar year from any person. Amendments proposed by the House and Governmental Affairs Committee and adopted by the House added a prohibition on public servants soliciting or accepting a gift or gratuity related to a sporting event to which tickets are sold from a public postsecondary education institution and a prohibition on the public postsecondary education institution from giving or offering such a gift or gratuity to a public servant.

HB 1236 by Walsworth *(Last Action – Tabled on House Final Passage)*

Would have prohibited an elected official, state-appointed official, immediate family members of such elected or appointed officials, and any legal entity in which the elected or appointed official or immediate family member of such an official has a substantial economic interest from seeking, bidding on, or entering into any remunerative contract to provide goods, supplies, or services authorized, directed, or requested by government to respond to a gubernatorially or presidentially declared emergency. Would have removed provisions which require an initial disclosure statement to be filed with the Board of Ethics on certain such contracts.

CAMPAIGN FINANCE

HB 850 by Beard *(Last Action – Enrolled)*

Prohibits any person who has entered into a contract or a direct subcontract of such contract or a transaction to provide goods or services related to hurricane rebuilding efforts which contract or transaction is not publicly or competitively bid from making a contribution to an elected official if such contract or transaction is under the jurisdiction or supervision of the agency of the elected official. Provides that the penalty for violation of such prohibition is twice the amount of the contribution. Additionally prohibits any elected official from accepting a contribution from any person who has entered into a contract or a direct subcontract of such contract or a transaction to provide goods or services related to hurricane rebuilding efforts which contract or transaction is not publicly or competitively bid and if such contract or transaction is under the jurisdiction or supervision of the agency of the elected official. Provides that the penalty for knowingly and willfully violating such prohibition is twice the amount of the contribution. Additionally provides for any such prohibited contribution received by an elected official to escheat to the state and to be paid

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over to the state by the elected official. Defines "hurricane rebuilding efforts" as any project for the improvement, construction, erection, reconstruction, modification, repair, demolition, or other physical change of an immovable or its component parts damaged or destroyed or necessitated by Hurricane Katrina or Hurricane Rita. Prohibition is effective for a period of three years following the effective date of the Act.

ELECTED OFFICIALS

HB 99 by Walsworth *(Last Action – House Committee)*

Proposed constitutional amendment which would have abolished the office of lieutenant governor and transferred the functions of such office to the secretary of state.

HB 416 by K. Carter *(Last Action – House Committee)*

Would have provided, effective August 1, 2006, that the commissioner of insurance shall be appointed by the governor, subject to Senate confirmation, for a term concurrent with that of the appointing governor. Would have required the commissioner to have the same qualifications as provided by the constitution for statewide elected officials and would have prohibited the commissioner from holding any other public office except by virtue of his office as commissioner.

HB 428 by Tucker *(Last Action – House Committee)*

Proposed constitutional amendment which would have prospectively limited the number of terms a person can be elected to the same statewide elected office (except for the office of governor which is presently limited to two consecutive terms) to no more than three consecutive terms by providing that no person who served as a statewide elected official for more than two and one-half terms in three consecutive terms, that service beginning on or after January 14, 2008, shall be elected to that same office for another term.

HB 429 by Downs *(Last Action – House Committee)*

Proposed constitutional amendment which would have provided for the appointment in lieu of election of the secretary of state by the governor in the manner as provided by law, effective January 14, 2008. Would have required the secretary of state to possess qualifications provided by law. Would have removed the secretary of state from the gubernatorial line of succession.

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HB 1051 by Cazayoux *(Last Action – Act No. 415)*

Authorizes the secretary of state to participate or engage in political activity related to his own candidacy for election to public office, including soliciting contributions for his campaign and managing the affairs of his campaign and his principal campaign committee. Provides also that he may exercise his right as a citizen to express his opinion privately and to cast his vote as he desires. Prohibits the secretary of state from participating or engaging in any other political activity, including the candidacy of any other person for election to public office; membership on any other national, state, or local committee of a political party or faction; making or soliciting contributions for any political party, faction, or other candidate; or taking active part in the management of the affairs of a political party, faction, other candidate, or any other political campaign. Provides that "political activity" shall have the meaning provided in Article X, §9(C) of the Constitution of Louisiana relative to the prohibition on political activity by classified civil servants.

HB 716 by Beard *(Last Action – Enrolled)*

Proposed constitutional amendment on ballot for the September 30, 2006, election which provides for the filling of vacancies in statewide elective offices other than the office of governor by providing that if more than one year remains in the term of such a statewide elective office, the vacancy shall be filled by the first assistant to such elected official and in the case of the lieutenant governor, the person nominated by the governor and confirmed by the legislature, only until such office can be filled by election, either at a regular statewide or congressional election, or if such an election is not available within a year of the vacancy, a special election called by the governor for such purpose.

ELECTIONS

HB 604 by M. Powell *(Last Action – Sent to Governor)*

Eliminates the January election date for bond, tax, and other proposition elections.

HB 505 by Lancaster *(Last Action – House Committee)*

Similar to Senate Bill No. 18, see below.

SB 18 by Fields *(Last Action – Sent to Governor)*

Effective January 1, 2007, establishes a closed party primary election system for congressional offices with candidates and voters participating in a first and second primary according to party affiliation. Candidates who are not affiliated with a recognized political party qualify for the general election at the same time as candidates affiliated with recognized political parties qualify for the party primary elections. Allows a voter who is not affiliated with a political party to vote in one party's primary election of his choosing, but authorizes

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the state central committee of each recognized political party to adopt rules and regulations to prohibit unaffiliated voters from participating in its primary elections. Requires the state central committee to notify the secretary of state of such rules and regulations.

HB 1307 by Hutter *(Last Action – Enrolled)*

Changes the date of the presidential preference primary and other elections held at the same time **from** the second Tuesday in March **to** the second Saturday in February, except when the second Tuesday in February is a legal holiday, in which case provides for the presidential preference primary to be held on the third Saturday in February.

HB 1390 by Gray *(Last Action – Sent to Governor)*

Relative to the development by the secretary of state of an emergency plan for the holding of elections impaired as a result of an emergency or disaster which is required to receive gubernatorial and legislative approval, provides that if the secretary of state determines that it is necessary and feasible to conduct early voting in certain parishes to enable displaced voters to vote, the secretary of state may include in the emergency plan a proposal to conduct early voting at the offices of the registrars in certain parishes in the state.

PUBLIC RECORDS

HB 117 by Bruneau *(Last Action – House Committee)*

Would have removed the exemption for the office of the governor from the laws relative to public records.

HB 1171 by Bruneau *(Last Action – House Committee)*

Would have provided that the public records exemption for the office of the governor applies only to the executive office of the governor and would have specified that the exemption does not apply to any other agency or entity transferred, established, or placed within the office of the governor by law or executive order.

LEGISLATIVE PROCEDURE

HR 1 by Tucker *(Last Action – Adopted)*

Amends House Rules. Provides that the motion to suspend the requirement that a conference committee report has to lie over for a day is a debatable motion. On the last day of a session, allows suspension of the requirement that a conference committee report lie over for a day by a vote of a majority of the elected members of the House. Additionally, provides that on

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the last day of a session that the House may consider a conference committee report **confined** to resolving the differences between the two houses regarding the amendments which were rejected by the house of origin and recommending technical amendments received on the last day of a session, upon motion of any member, duly adopted by a majority of those present and voting and provides that such procedure also applies to any appropriations bill supplementing the General Appropriation Act, the Capital Outlay Bill, the bill appropriating funds for the judicial branch, the bill appropriating funds for the legislative branch, and the omnibus bond authorization bill even if the conference committee report on any such bill is not confined.

SCR 121 by Hines *(Last Action – Adopted)*

Amends Joint Rule. Restates the limitations placed on the legislature's plenary power to legislate by Article III, §2(A)(4)(b) of the Constitution, which provides for the limited and restricted fiscal-related subject matter for regular sessions in odd-numbered years, which allows each member to introduce local and special matters which are required to be advertised, which have been properly advertised and which are not prohibited local or special matters pursuant to the Article III, §12 of the Constitution, and which allows each member to prefile up to five other matters. Provides a list of joint resolutions, bills, and suspension resolutions which may be considered under each of the three subject matter and jurisdiction limits. Restricts the legislature's power to amend joint resolutions, bills, suspension resolutions, and other matters having the effect of law to prevent the circumvention of the subject matter and jurisdictional limitations during a regular session in an odd-numbered year by prohibiting the consideration or adoption of certain specified types of amendments.

SCR 137 by Hines *(Last Action – Adopted)*

Repeals Joint Rule No. 5 of the Joint Rules of the Senate and of the House of Representatives to remove provisions regarding duplicate bills, the process of designating bills as duplicates, and the procedures for passage of duplicate bills. Additionally removes irrelevant joint rules including a prohibition on legislative committee meetings being held during a specified annual orientation conference (Joint Rule No. 7); provisions relative to certain commendatory and congratulatory certificates (Joint Rule No. 9); provisions relative to time limitations on the passage of the capital outlay bill (Joint Rule No. 11); and provisions requiring symbolic notes on certain legislation (Joint Rule No. 17).

INSURANCE

LICENSURE OF ADJUSTERS

HB 1056 by Farrar *(Last Action – Sent to Governor)*

Provides for licensure of claims adjusters by the commissioner of insurance, including provisions relative to exemptions, examinations, reciprocity, qualifications for licensure, causes for suspension, revocation, refusal to issue, renew or reinstate licenses, fines, continuing education, and standards of conduct. Also provides for registration of catastrophe or emergency claims adjusters by the commissioner of insurance. Specifies that beginning June 30, 2007, any person who is either employed or contracts to perform services in this state as a claims adjuster shall obtain a license to do so from the Department of Insurance.

Effective January 1, 2007.

HB 518 by Farrar *(Last Action – Sent to Governor)*

Provides for fees for licensure or registration and renewal of business entities, residents, nonresidents, and catastrophe or emergency adjusters as claims adjusters.

Effective upon signature of governor.

HB 1384 by K. Carter *(Last Action – Sent to Governor)*

Provides for the qualification and licensure of public adjusters, who are retained by policyholders to help prepare and file claims, by the commissioner of insurance, including provisions relative to applications, exemptions, examinations, reciprocity, causes for suspension, revocation, renewal or reinstatement of licenses, fines, continuing education, record retention, and standards of conduct. Also, provides for the fees a public adjuster may charge and the contents of public adjuster contracts. Specifies that beginning June 30, 2007, no person shall act as a public adjuster in this State unless licensed by the Louisiana Department of Insurance.

HB 520 by K. Carter *(Last Action – Sent to Governor)*

Establishes fees for the licensure and renewal of business entities, residents, and nonresidents as public adjusters.

Effective upon signature of governor.

Insurance

HURRICANE KATRINA/RITA PROPERTY DAMAGE CLAIMS

HB 1289 by Morrell *(Last Action – Sent to Governor)*

Provides an extension of time for insureds to file Hurricane Katrina or Rita related property damage claims with their insurers. Any insured who incurred property damage as a result of Hurricane Katrina has until September 1, 2007, to file a damage claim with their insurer. An insured whose property was damaged as a result of Hurricane Rita has until October 1, 2007, to file a damage claim with his insurer.

Effective upon signature of governor.

PROPERTY DAMAGE SETTLEMENTS

SB 620 by Murray *(Last Action – Sent to Governor)*

Increases penalties, by twenty-five percent, for insurers that arbitrarily, capriciously, or without probable cause fail to make payments or written offers to settle property damage claims or only make partial payments within 30 days of receipt of satisfactory written proofs of loss. Also, provides for attorney fees and cost associated with litigation to recover such damages.

Effective upon signature of governor.

MISCELLANEOUS PROPERTY INSURANCE

HB 318 by Richmond *(Last Action – Signed by the President of the Senate)*

Prohibits insurers who use credit information to underwrite or rate risks from using any change in credit information that would increase an expiring premium for policies that renew between the effective date of this Act and December 31, 2006.

Effective upon signature of governor.

HB 1073 by Hutter *(Last Action – Sent to Governor)*

Requires either an explanation of any premium increase or a statement that asks the insured to contact the insurance company or its agent if the insured has any questions about the billing notice or the premium increase.

Effective upon signature of governor.

HB 1141 by Hebert *(Last Action – Sent to Governor)*

Establishes standards for the type of reinsurance that the Louisiana Citizens Property Insurance Corporation (LCPIC) may purchase and sets the criteria, rules, and application process for agents to bind Coastal and FAIR plan coverage. Also, allows the Coastal and FAIR plans to make noninterest bearing loans to one another. Exempts wind and hail coverages offered by LCPIC from the requirement that its rates exceed by ten percent the rates charged by certain insurers.

Effective on governor's signature.

HB 1272 by Johns *(Last Action – Act No. 429)*

Requires insurers writing any form of commercial or residential property insurance, automobile insurance, marine, or inland marine insurance to maintain written catastrophe response plans describing the insurers' response to catastrophes affecting their policyholders.

HB 1395 by St. Germain *(Last Action – Sent to Governor)*

Establishes a board to review the public fire protection grading issued by the Property Insurance Association of Louisiana and provides a procedure for such review. Authorizes fire chiefs to request a review of their public fire protection grading. Empowers the board to suspend a detrimental change in a public fire protection grading pending a review.

HEALTH INSURANCE

HB 792 by K. Carter *(Last Action – Act No. 396)*

Provides for a thirty-day grace period for payment of health insurance premiums or health maintenance organization (HMO) prepaid charges prior to cancellation of the insurance policy or HMO contract. Additionally provides for a fifteen-day notice to policyholders, subscribers, or enrollees prior to expiration of such grace period.

Effective January 1, 2007.

JUDICIARY

JUDGES

HB 13 by Greene *(Last Action – Enrolled)*

Requires that a person, on and after Jan. 1, 2008, elected to judge for the supreme court and a court of appeals must have been admitted to the practice of law in this state for 10 years and eight years to be elected to judge for the district court, family court, parish court, or court having solely juvenile jurisdiction.

HB 126 by Toomy *(Last Action – Enrolled)*

Provides that the actual salaries for justices of the supreme court shall be increased by 4½%, judges of the courts of appeal by 4 and 6/10%, and judges of the district court by 4 and 9/10% on July 1, 2006, and again on July 1, 2007. The state-paid actual salary of a city court judge and a parish court judge shall be increased by 4 and 9/10% on July 1, 2006, and on July 1, 2007, subject to annual appropriation. (The total appropriation for 2006-07 increase is \$1,960,043.00 from the state general fund.)

HB 514 by Bruneau *(Last Action - Senate Calendar)*

SB 645 by Mount *(Last Action – Sent to Governor)*

Consolidates, effective Jan. 1, 2009, the civil and criminal district courts of Orleans Parish into the 41st Judicial District Court (JDC) and the clerks of those courts in 2010. Incorporates the Orleans Parish Juvenile Court by 2015. Abolishes separate offices of civil and criminal sheriffs and creates one sheriff of the parish in 2010. Abolishes offices of recorder of mortgages, register of conveyances, and custodian of notarial archives by 2009, those offices merged with civil court clerk until clerk of 41st JDC is created in 2010.

DISTRICT ATTORNEYS

HB 1178 by Toomy *(Last Action – Enrolled)*

Increases the salary of assistant district attorneys by \$5,000 annually on July 1, 2006, and by another \$5,000 on July 1, 2007. The state currently pays \$30,000 to each assistant.

Judiciary

CLERKS OF COURT

HB 57 by Toomy *(Last Action – Enrolled)*

Consolidates and streamlines the 77 fees and services that each clerk (except Orleans Parish clerks) may charge for in civil matters into 10 categories.

ATTORNEY GENERAL

HB 1397 by DeWitt *(Last Action – House Calendar)*

SB 750 by Hines *(Last Action – Senate Calendar)*

Would have authorized the attorney general to enter into contingency fee contracts with private attorneys. Would have prohibited an attorney general from accepting certain contributions and prohibited an attorney or law firm who has entered into such contract with the attorney general from making contributions to the attorney general.

HOMELAND SECURITY

HB 794 by Powell *(Last Action – Enrolled)*

Requires any person who applies for or who receives disaster assistance from a state or local agency and who seeks to or is occupying space in an emergency shelter or emergency temporary residence to produce credible, current, personal ID information if requested to do so by a sheriff acting within his jurisdiction. Provides that, by applying for disaster assistance, a person is deemed to have consented to a request to provide personal ID information. Any state or local agency providing disaster assistance to any person, with specified exceptions, is required to provide personal ID information of such persons to the sheriff acting within his jurisdiction upon general request by the sheriff.

HB 846 by Dorsey *(Last Action – Act No. 207)*

Provides for issuance of temporary registrations to health care professionals licensed in other jurisdictions of the U.S. whose licenses are current and in good standing during a public health emergency.

HB 873 by Cazayoux *(Last Action – Enrolled)*

Requires the La. Bureau of Criminal Identification and Information to make available the most recent central registry of sex offenders to each emergency shelter open or operating in anticipation of or during a declaration of state of emergency. Requires state's emergency operations plan to provide that a registered sexual offender shall not knowingly be housed or sheltered in the same area with other evacuees and that a registered sexual offender, if

possible, shall be provided shelter in an alternative facility separate and apart from the general population of evacuees.

HB 1388 by Thompson (*Last Action – Act No. 442*)

SB 748 by Barham (*Last Action – House Calendar*)

Provides for a deputy director and assistant deputy directors of the Governor's Office of Homeland Security and Emergency Preparedness; provides for establishment of homeland security and emergency preparedness regions in the state; requires the state attorney general to represent the office; and provides for additional components which may be included in the state homeland security and state emergency operations plan.

SB 739 by Boasso (*Last Action – House Committee*)

Would have established the office of interoperability within the Governor's Office of Homeland Security and Emergency Preparedness to oversee, direct, and manage public safety and first responders' interoperability programs and efforts identified in the Statewide Communication Interoperability Plan and the Statewide Shared Communications System for First Responders in coordination with local, state, and federal officials.

ALCOHOLIC BEVERAGES

HB 24 by Hunter (*Last Action – Senate Committee*)

Would have prohibited the issuance of a permit to sell alcohol within certain distances from correctional facilities housing inmates, including but not limited to, halfway houses.

HB 122 by Townsend (*Last Action – Act No. 147*)

Provides that it is unlawful for any person to sell, deliver, give away, purchase, possess, or use an alcoholic beverage vaporizer and provides penalties of a fine not to exceed \$500 or six months imprisonment, or both. Prohibits the possession of, allowing or permitting any customer or person to bring, keep, maintain, or use an alcoholic beverage vaporizer on the licensed premises or any area related to the licensed business over which the licensee exercises control or for which the licensee is responsible.

HB 269 by Pinac (*Last Action – Enrolled*)

Establishes the Tobacco Regulation Enforcement Fund as a special fund in the state treasury to be used for support enforcement activities of the office of alcohol and tobacco control which shall be funded by a portion of the avails of the state tax on cigarettes. Provides that monies in the fund shall be subject to appropriation by the legislature.

Judiciary

HB 1387 by Toomy *(Last Action – Enrolled)*

Excludes a wine producer from the definitions of manufacturer and supplier and defines wine producer and winery. Requires each wine producer and winery to pay \$50 annually to obtain a permit from the commissioner of alcohol and tobacco control before engaging in business.

Authorizes a wine producer to sell or serve its finished product at retail directly to consumers at its winery; to sell or serve its finished product directly to consumers at such places as fairs, festivals, and farmers' markets; and to sell and ship directly to a consumer in this state, if the total amount of wine shipped to any single household address does not exceed forty-eight 750 milliliter bottles per calendar year.

Exempts a wine producer domiciled inside or outside of Louisiana from the provisions in present law prohibiting alcoholic beverages produced or manufactured inside or outside of Louisiana from being sold, offered for sale, shipped, or transported into or within the state except to the holder of a wholesaler's permit.

Authorizes the direct shipment of wine to be sold and shipped to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled outside of Louisiana; however, proposed law additionally authorizes a wine producer domiciled inside or outside of Louisiana to directly ship wine to be sold and shipped to a consumer in Louisiana under the same requirements.

HB 1311 by Townsend *(Last Action – Enrolled)*

Defines "Package house-Class B" as a place consisting of not less than 500 feet of public habitable area which sells alcoholic beverages in factory sealed containers for transportation and consumption off the premises and where no person is allowed to tamper with or otherwise disrupt the manufacturer's seal on or about the licensed premises.

Provides for a Class C-Package Store permit and requires a \$100 annual permit fee for each establishment in a city and \$50 in a town, village, or unincorporated area for high alcoholic content, and a \$70 annual permit fee for low alcoholic content. Defines a "Class C-Package Store".

SB 142 by Adley *(Last Action – Act No. 108)*

Provides for regulations and other requirements applicable to the tobacco industry; authorizes enforcement and audit of certain activities; provides for provisions governing dealer permits under the office of alcohol and tobacco control; provides for suspension or revocation of a permit by the office of alcohol and tobacco control; and provides for applying for and obtaining a permit.

LABOR AND INDUSTRIAL RELATIONS

EMPLOYMENT

SB 753 by Cravins *(Last Action – Sent to Governor)*

Authorizes the attorney general or local district attorney to issue a cease and desist order to employers who hire undocumented aliens. Provides for a \$10,000 penalty for those employers who violate such order. Applicable to those employers who employ 10 or more employees.

EMPLOYMENT/WAGES

HB 144 by Hunter *(Last Action – Failed to Pass/House)*

Would have created the Equal Pay for Women Act. Would have prohibited employers from paying female employees less than male employees for performing the same job with the same level of education, experience, and training.

HB 194 by Hunter *(Last Action – Failed to Pass/Senate)*

Sought to gradually increase minimum wage for all workers in Louisiana **from \$5.15 to \$6.15** per hour. Would have applied only to state employees.

HB 283 by Richmond *(Last Action – House Committee)*

Attempted to increase minimum wage **from \$5.15 to \$7.15** an hour for all workers in the state of Louisiana.

SB 700 by Jones *(Last Action – House Calendar)*

Proposed to increase the minimum wage for those employees employed by businesses with 25 or more employees. Newly hired employees would begin at the current minimum wage rate and increase to \$6.15 per hour after a year of employment. Would have excluded persons employed by political subdivisions, port authorities, or levee districts as well as student employees of the state, and its colleges and universities.

Labor and Industrial Relations

UNEMPLOYMENT COMPENSATION

HB 497 by Toomy (*Last Action – Senate Committee*)

Prohibited employees of the state, local governments, or nonprofit organizations who provide services to or on behalf of educational institutions from receiving unemployment benefits during the summer months.

HB 608 by Bowler (*Last Action – House Calendar*)

Sought to relieve experience-rated employers, such as certain nonprofit organizations or political subdivisions, from charges accrued by their employees who received unemployment benefits as a result of Hurricane Katrina or Rita.

SB 744 by Nevers (*Last Action – Sent to Governor*)

Extends the date of reimbursement of unemployment benefits charged to the state, local governments, or eligible nonprofit organizations as a result of Hurricane Katrina or Rita **from** January 1, 2007, **to** July 1, 2007.

WORKERS' COMPENSATION

HB 900 by Richmond (*Last Action – House Committee*)

Sought to allow civil suits when an employee is injured on the job and the employer has removed or authorized the removal of adequate safeguards.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

LOCAL GOVERNMENT

HB 365 by Fannin, et al. *(Last Action – Act No. 376)*

Relative to **present law** (R.S. 33:1236(31)) prohibition on ordinances prohibiting burning of trees, brush, grass, or other vegetable matter in any parish having a population of 90,000 or less, permits such an ordinance when the fire danger is high as defined by rule of the Dept. of Agriculture and Forestry (DAF), with certain exceptions. Specifies that an ordinance adopted shall not apply to prescribed burns by the DAF, by those trained and certified by the DAF, or by those who conduct prescribed burning as a "generally accepted agriculture practice" as defined by the Louisiana Right to Farm Law (R.S. 3:3601 et seq.).

HB 556 by Ansardi, et al. *(Last Action – Act No. 185)*

Provides that administrative procedures for approving or certifying certain plats involving minor modifications of existing parcels of land may provide for the dedication, acceptance, relocation, or deletion of public utility servitudes, other than streets, or the deletion of gas, electric, or telephone utility servitudes acquired by private act or pursuant to current provisions relative to expropriation on the property being resubdivided.

HB 813 by Kennard *(Last Action – Sent to Governor)*

Relative to the city of Central, changes the criteria that determine the time of the termination of the Central Transition District and the levy of a sales tax by such district. Authorizes a cooperative endeavor agreement between the commissioner of administration and the secretary of the Department of Health and Hospitals (DHH) and Central and/or the Recreation and Park Commission for the Parish of East Baton Rouge (BREC) for the use of certain property.

HB 1130 by Richmond *(Last Action – Enrolled)*

Creates the "Local and Regional Economic Development District Act" which authorizes any combination of contiguous parishes or separate municipalities to create, by ordinance, local or regional economic development districts as political subdivisions of the state for the following purposes:

- (1) To facilitate the creation of jobs and to lower unemployment and underemployment by coordinating and facilitating local and regional efforts for economic development programs and projects.

Municipal, Parochial and Cultural Affairs

- (2) To act as the coordinating entity in acquiring and developing real estate needed to grow the economy.
- (3) To receive public and private funds for such purpose; and
- (4) To assist businesses within the district.

Provides relative to the governance, powers, duties, and responsibilities of any such district, including authorizing any such district to levy taxes, subject to voter approval.

HB 1183 by Morrish *(Last Action – Failed to Pass/House)*

Would have authorized police juries and parish governing authorities to provide for the general health, safety, and welfare of the citizens of the parish. Would have prohibited any police jury or parish governing authority from enacting any ordinance or adopting any rule or regulation which conflicted with and was less restrictive than any rule or regulation promulgated by any state agency. Would have provided that if a police jury or parish governing authority enacted any such ordinance or adopted any such rule or regulation, it would be superseded by any such rule or regulation promulgated by the state agency.

HB 1281 by Dorsey *(Last Action – Enrolled)*

For the purpose of conforming **present law** relative to certain tax increment financing with La. Supreme Court decisions in the *Bass Pro* and *World Trade Center* cases, provides that a tax levied pursuant to certain **present law** relative to tax increment financing shall, and shall be deemed to, supersede and be in lieu of only such other existing taxes that do not secure authorized bonds and that have not been dedicated by law or by a vote of the electors and that are not based on a per head or per person basis. Further requires that the tax rate shall be such that the aggregate rate of all taxes of the same kind collected within the taxing district or area shall be at least equal to the rate of similar taxes levied by all taxing authorities in the district or area. Also provides for a taxing district in Jefferson Parish with authority for tax increment financing.

HB 1285 by Odinet, et al. *(Last Action – Sent to Governor)*

Prohibits the governing authority of any municipality or parish and any agency of any such municipality or parish from allowing or causing any building or land to lose nonconforming use status by reason of vacancy or cessation of normal operations, during all or part of the period of August 29, 2005, through August 28, 2007, as a result of damage caused by Hurricane Katrina or Hurricane Rita. Authorizes the governing authority of any parish with a population greater than 400,000 according to the latest federal decennial census to reduce the time period by ordinance.

Municipal, Parochial and Cultural Affairs

SB 122 by Murray *(Last Action – Sent to Governor)*

Requires a municipality to give preference for reemployment to a municipal employee whenever such employee has been laid off because a position has been abolished or needs to be vacated because of stoppage of work from lack of funds or other cause due to the damage caused by hurricanes in 2005 and the employee has been displaced. Terminates the application of the preference on and after July 1, 2008.

SB 623 by M. Smith *(Last Action – Sent to Governor)*

Defines a "small community public water system" as a community public water system serving a population of 3,300 or less persons in accordance with the definition for small public water systems in the Federal Safe Drinking Water Act (42 USC 300g-1, §1412(b)(4)(E)(ii)(II) and (III)). Provides criteria for determining engineering fees charged to small community public water systems. Additionally, provides the time frame for the completion of the review process by paid consulting engineers for small community public water systems.

SB 640 by Duplessis *(Last Action – Sent to Governor)*

Authorizes a political subdivision to, through Internet computer auction:

- (1) Sell surplus property through the use of electronic technology including Internet web sites that facilitate such sales.
- (2) Pay any costs associated with the sale from the proceeds of such sale.
- (3) Sell surplus property through any form of electronic technology, including Internet web sites created expressly for that purpose whether privately or publicly owned.

FIRE AND POLICE

HB 586 by Greene, et al. *(Last Action – Sent to Governor)*

HB 17 by Strain *(Last Action – House Committee)*

Changes the amount of payments to be made to the surviving spouses or surviving children of certain firemen and law enforcement officers who lose their lives **from \$100,000 to \$250,000** and retains \$250,000 as the amount of payment to the designated beneficiary or estate of such persons. Also provides that the employing authority of such a fireman or law enforcement officer has **one year** rather than **10 days** after learning of his death to notify the Law Enforcement Officers and Firemen's Survivor Benefit Review Board.

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HB 634 by White and Glover *(Last Action – Act No. 270)*

Provides that in addition to being authorized to modify certain disciplinary actions against certain employees by directing a suspension without pay, certain municipal fire and police civil service boards may modify such disciplinary actions by directing a reduction in pay, a demotion, or other lesser punitive action. Applicable in municipalities with a 13,000-250,000 population and municipalities with a 7,000-13,000 population.

HB 915 by Honey and Glover *(Last Action – Failed to Pass/House)*

Would have provided that any loss of hearing which is 10% greater than that of the affected employee's comparable age group and which develops during a period of employment in the classified fire service in the state shall be classified as a disease or infirmity connected with such employment. Would have provided that the employee or his survivors shall be entitled to all rights and benefits to which one suffering an occupational disease is entitled. Further would have provided that such loss of hearing shall be presumed to have developed during employment and to have been caused by or to have resulted from the work performed whenever manifested at any time after the first five years of employment in such service. Would have provided that such presumption shall be rebuttable by evidence meeting judicial standards and shall be extended to an employee following termination of service for a period of 24 months. Would have required a person selected for appointment to an entry-level position in the classified fire service on July 1, 2006, or thereafter to submit to a baseline audiology examination provided for by the appointing authority not later than one year after such selection for appointment.

SB 204 by Cheek, et al. *(Last Action – Enrolled)*

Provides that the development of a certain percentage of hearing loss while employed in the classified fire service is classified as an occupational disease and entitles the employee to medical benefits, including hearing prosthesis. Provides that such hearing loss is presumed to have occurred as a result of employment if it is manifested at any time after the first five years of employment in such service. Provides that such presumption is rebuttable. Requires a baseline audiology exam within one year of selection for appointment to an entry-level position.

HB 930 by Honey *(Last Action – Act No. 212)*

Relative to municipal fire and police civil service systems in municipalities with populations between 7,000-13,000 persons and parishes and fire protection districts, repeals **present law** which requires that any applicant admitted to a promotional or competitive test be a qualified elector of the state. Additionally, repeals **present law** relative to such systems that provides that no applicant for entry-level employment in the classified fire and police civil service shall be required to be a qualified elector of the state in order to be admitted to a competitive

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employment test. Relative to municipal fire and police civil service systems in municipalities with populations in excess of 7,000 persons and parishes and fire protection districts, provides that any applicant admitted to the competitive examinations which may be called for by the state examiner pursuant to HB 1037 (R.S. 33:2492(2) and 2552(2)), for the classifications of entrance police officer, entrance firefighter, or for the entrance classifications comprising the duties of the operation and maintenance of radio, alarm, or signal system for the respective department, shall be a citizen of the U.S. and of legal age.

HB 937 by Honey *(Last Action – Act No. 216)*

Relative to municipal fire and police civil service systems in municipalities with populations in excess of 7,000 persons and parishes and fire protection districts, provides that a person who has attained a passing score on an examination administered by the state examiner for entrance police officer, entrance firefighter, and for the entrance classes for which the operation and maintenance of radio, alarm, or signal systems for the respective fire or police services is the primary duty may have his name placed on the employment list of any municipality, parish, or fire protection district. Provides that this is contingent upon the person's application and score being accepted by the board of the municipality, parish, or fire protection district in which he seeks employment. Additionally, provides that in order that his name may be placed upon the employment eligibility list, a person shall be required to meet the minimum qualifications adopted as rules of the respective civil service board, as if making original application for admission to the test. Provides that the eligibility of such an applicant shall not continue past the date on which his original eligibility expired.

HB 939 by Cazayoux *(Last Action – Sent to Governor)*

Provides that general provisions relative to fire and police civil service law for municipalities with a 7,000-13,000 population shall continue to apply to any municipality, parish, or fire protection district which established a classified civil service under such provisions prior to July 1, 2006. Retains applicability of **present law** to any jurisdiction that might meet population criteria in the future. Deletes provision that such provisions shall continue to be applicable to the city of Winnfield regardless of its population.

HB 994 by Cazayoux *(Last Action – Sent to Governor)*

Relative to emergency appointments in the municipal fire and police civil service in municipalities with populations in excess of 7,000 persons and parishes and fire protection districts, changes the maximum term of such appointments **from 10 to 90 days** and provides that when a state of emergency is declared by the governor, such appointments shall be effective for the duration of the state of emergency.

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HB1037 by Cazayoux *(Last Action – Sent to Governor)*

Relative to municipal fire and police civil service systems in municipalities with populations in excess of 7,000 persons and parishes and fire protection districts, authorizes the state examiner to call for and administer examinations for certain entrance classifications within such service. Provides relative to the notification of test scores and the time frame of the original eligibility of applicants receiving a passing score on any such examination.

HB 1168 by Smith, J. D., et al. *(Last Action – Enrolled)*

Authorizes enhancement of the first-year salary of certain firemen and law enforcement officers by an amount equivalent to the state supplemental pay, or a portion thereof. Provides that such enhancement shall be paid only during the first year of employment and requires that such information be disclosed, in writing, at the time the employee is hired. Provides that there shall be no penalty for reducing the salary of any employee after one year by an amount not exceeding the amount of the enhancement.

SB 490 by Barham and Walsworth *(Last Action – Sent to Governor)*

Relative to mutual aid between local law enforcement agencies in the event of an emergency or special event as defined in **present law** (R.S. 33:2337), repeals **present law** that provides that no charge shall be made to a political subdivision for services rendered by any other political subdivision. SB 490 provides that local law enforcement agencies responding to disasters and recovery efforts shall have the authority to apply for, administer, and expend any grants, gifts, or payment in aid of homeland security, disaster prevention, preparedness, response, or recovery.

HOUSING

HB 751 by Gray *(Last Action – House Committee)*

Proposed constitutional amendment would have required any parish or municipality that adopts land use or zoning regulations to provide in such regulations for inclusionary zoning for affordable housing as provided by law, notwithstanding any provision of the constitution or of any home rule charter.

HB 1399 by Gray, et al. (Substitute for HB 974) *(Last Action – Enrolled)*

Enacts the "Louisiana Inclusionary Zoning Act" to provide authority for and to permit municipalities and parishes to use inclusionary zoning strategies to promote the development of affordable housing for low and moderate income families. Authorizes any municipality or parish that adopts land use or zoning ordinances, resolutions, or regulations to adopt

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ordinances to provide for inclusionary zoning to increase the availability of affordable dwelling units.

HB 1071 by Hunter, et al. *(Last Action – Act No. 355)*

Enacts the Louisiana Housing Preservation Act to assist local governmental subdivisions (parishes and municipalities) in revitalizing areas in their communities which are economically depressed due to the existence of a large number of blighted housing properties. Authorizes local governmental subdivisions to identify property that is below minimum habitability standards (as defined by the U.S. Dept. of Housing and Urban Development) for the purpose of establishing a blighted housing property list. Provides that no residential housing property in an area impacted by Hurricane Katrina or Hurricane Rita which was occupied as of August 28, 2005, shall be included on the list as a blighted housing property if the owner is eligible for and receives assistance under the Road Home Housing Program. Local governmental subdivisions may establish receivership to transfer possession of blighted property for the purpose of rehabilitating the property. Property owner may seek reinstatement of possession or local governmental subdivision may petition to sell property to recoup rehabilitation costs

HEALTH DISTRICT

HB 515 by Jefferson and Gray *(Last Action – Enrolled)*

Creates the Parish Hospital Service District for the parish of Orleans. Divides the district into two areas and provides for the creation of two separate governing boards for each area of the district. Authorizes each governing board to construct or acquire a new general hospital facility in Orleans Parish or renovate an existing general hospital facility in Orleans Parish, provide for the operation of such facility, and to lease any such facility to any state or local agency, department, or other entity. Provides that no hospital shall be constructed or acquired until a professionally prepared financial feasibility study is completed, the findings of such study have been reported to the committees on health and welfare of the Senate and House of Representatives, and the report has been approved by the Department of Health and Hospitals.

OFFICIAL JOURNALS

HB 8 by Farrar *(Last Action – House Committee)*

Relative to Rapides Parish, would have authorized the governing authority of the parish and each political subdivision within such parish to provide that its official web site shall be its official journal. Would have required the governing authority of the parish and each political subdivision within such parish to publish their proceedings and financial statements in the official journal upon the effective date of an ordinance or resolution, as the case may be, enacted or adopted to make the official web site the official journal. Relative to the

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publication of certain judicial advertisements and other legal notices, would have authorized the sheriff, constable, and clerk to publish such advertisements and notices on their respective official web sites.

HB 431 by Pitre *(Last Action – House Committee)*

Relative to the town of Golden Meadow, would have authorized the governing authority of the town to select as the official journal of the town any publication that had been published in an office physically located in Lafourche Parish for at least 40 years, had a general circulation, paid or unpaid, and was published at regular intervals at least weekly. Would have provided for the method and term of selection.

HB 1165 by Pitre *(Last Action – House Committee)*

Would have authorized the governing authority of any municipality with a population of 3,000 persons or less to select as the official journal of the municipality any publication that had been published for at least 40 years in an office physically located in the parish in which the municipality was located or in a parish which shared a common boundary with the municipality, had a general circulation, paid or unpaid, and was published at regular intervals at least weekly. Would have provided for the method and term of selection.

TOURISM

HB 519 by Durand *(Last Action – House Committee)*

Would have created the Central Acadiana Tourism Development Commission within the Dept. of Culture, Recreation and Tourism to promote tourism in the Central Acadiana area in such a manner so as to establish a vital link to the New Orleans area to assist in returning that area to the prominent tourist destination it was prior to the devastation caused by Hurricane Katrina. Would have defined "Central Acadiana" as the following parishes: Acadia, Iberia, Jefferson Davis, Lafayette, St. Mary, St. Martin, St. Landry, and Vermilion.

HCR 128 by Durand *(Last Action –Enrolled)*

Creates and provides for the Acadiana Tourism Development Advisory Commission to study and make recommendations relative to promoting regional tourism development in the parishes of Iberia, Lafayette, and St. Martin so as to establish a vital link to the New Orleans area to assist in returning that area to the prominent tourist destination it was prior to the devastation caused by Hurricanes Katrina and Rita.

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MUSEUMS

HB 1083 by Thompson, et al. *(Last Action – House Calendar)*

Would have established the Stage of Stars Museum in Caddo Parish within the Dept. of State as a historical, cultural, scientific, and educational institution with the purpose of researching, collecting, preserving, and presenting objects or art and the like that reflect the social, cultural, and economic history of Shreveport's Municipal Auditorium. Would have provided that the museum should focus on the unique architectural, engineering, and cultural events that have taken place in the auditorium since 1929.

HB 1116 by Glover and M. Powell *(Last Action – Act No. 417)*

Establishes the Spring Street Historical Museum in Shreveport within the Dept. of State as a historical, cultural, scientific, and technological educational institution with the purpose of researching, collecting, preserving, and presenting objects, documents, and the like that reflect the history of Caddo Parish and northwest La.

SB 601 by N. Gautreaux *(Last Action – Sent to Governor)*

Establishes the Louisiana Military Hall of Fame and Museum in the city of Abbeville within the Dept. of State as a charitable, historical, cultural, scientific, and technological educational institution the primary purpose of which shall be to preserve and promote the military history of Louisiana and the legacy of the men and women who contributed to it.

DEPARTMENT OF CULTURE, RECREATION AND TOURISM

HB 680 by Baylor, et al. *(Last Action – Act No. 62)*

Re-creates the Dept. of Culture, Recreation and Tourism for two more years. Changes termination date **from** July 1, 2007, **to** July 1, 2009.

PARKS

HB 744 by Bruneau, et al. *(Last Action – Act No. 395)*

Changes the placement of the New Orleans City Park Improvement Association and its board of commissioners in the Department of Culture, Recreation and Tourism (DCRT). Makes them policymaking agencies rather than independent agencies. Provides for certain specified powers and duties for the board. Makes the secretary of DCRT a member of the board of commissioners.

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MEMORIALS

HB 1354 by Gray, et al. *(Last Action – Enrolled)*

Creates and provides for the Hurricane Katrina Memorial Commission to make recommendations for an appropriate memorial to commemorate those who lost their lives in Louisiana in Hurricane Katrina and a site or sites for such memorial.

SB 699 by Bajoie, et al. *(Last Action – Sent to Governor)*

Extends the existence of the Rev. Avery C. Alexander Memorial Commission until Dec. 31, 2008.

NATURAL RESOURCES

SB 655 by Adley (*Last Action – Act No. 312*)

HB 1177 by Daniel (*Last Action – House Committee*)

Provides the procedure for judicial resolution of claims for environmental damage to property arising from activities associated with oil field sites or exploration and production sites, which sites are subject to the jurisdiction of the Department of Natural Resources, office of conservation. If a court orders a responsible party to pay for the cleanup of a site, payments are to be paid exclusively into the registry of the court and used to implement a plan approved by the court for cleaning up the site.

SB 655 as finally passed sets forth the following procedures:

- (1) Requires timely notice to DNR and the attorney general upon the filing or amendment of any pleading making a judicial demand arising from or alleging such environmental damage.
- (2) Allows DNR or the attorney general to intervene in the litigation but does not preclude them from independent enforcement action.
- (3) The court orders the responsible party or parties to develop a plan or submittal for the evaluation or remediation. Provides for review of the plan and estimation of the cost of implementation. Requires DNR to conduct a public hearing on the plan or plans submitted.
- (4) The court and department shall retain oversight to ensure compliance with the plan.
- (5) Provides that costs incurred by the plaintiff and the state agencies in proving damage or in evaluating the plan shall be paid by the responsibly party or parties.
- (6) Requires settlements to be approved by the court.

Provides that this procedure is not applicable to cases where the court on or before March 27, 2006, has issued or signed an order setting the case for trial, regardless of whether such trial setting is continued but allows any party or parties who filed such a judicial demand to have the litigation governed by these provisions by filing with the court a notice of the exercise of such right within 60 days of the effective date of the Act.

Natural Resources

HB 52 by Hammett (*Last Action – Sent to Governor*) (Duplicate of SB 171 by McPherson)

HB 49 by Strain (*Last Action – House Committee*)

HB 1059 by Thompson (*Last Action – House Committee*)

Prohibits a person from engaging in computer-assisted remote hunting or providing or operating such services that allow others to engage in computer-assisted remote hunting. Further prohibits the taking, possessing, or assisting in the taking of any animal by means of such hunting, regardless of the location of the animal.

Provides that a violation is a class six violation punishable by a fine of between \$900 and \$950 or imprisonment for up to 120 days, or both, plus forfeiture of any thing seized.

HB 1249 by Odinet (*Last Action – Act No. 425*)

Relative to oyster leases, provides that the exclusive use of a water bottom allowed by an oyster lease is subordinate to the rights of coastal protection, conservation, or restoration projects authorized under a comprehensive coastal protection master plan or annual plan. Provides that no leaseholder has a right of action against any state, local, or federal government for any claim arising from coastal protection, conservation, or restoration.

Institutes an Oyster Acquisition and Compensation Program for the acquisition of leases or portions of leases that are impacted or will be impacted by dredging, depositing of dredged or other materials, or other work associated with a coastal protection, conservation, or restoration project. Provides a process for such acquisition.

Deletes statutory provisions for leases of between one and 14 years for those leases within the projected impact area of a coastal restoration project and for a one-year extension for any lease located in the impact area of an operational coastal restoration project and provides that all leases will be for a 15-year period.

RETIREMENT

BENEFITS

HB 816 by Salter *(Last Action – Sent to Governor)*

Relative to the **Louisiana State Employees' Retirement System (LASERS)**, provides for increased employee contribution rates **from 7.5% to 9%** and accrual rates **from 2.5% to 3.33%** for **peace officers** employed by the **Department of Public Safety and Corrections, office of state police, other than state troopers**. Also provides that such members shall be eligible to retire pursuant to LASERS regular retirement eligibility provisions.

HB 922 by Schneider *(Last Action – Enrolled)*

Provides with respect to average compensation which is used in the calculation of retirement benefits and is currently based on the 36 highest salary successive months or on the highest 36 successive joined months where interruption of service occurred. Changes average compensation calculation period **from 36 months to 60 months** for members of certain **statewide retirement systems** who become employed on or after July 1, 2006.

SB 262 by B. Gautreaux *(Last Action – Sent to Governor)*

Provides a modified defined benefit plan for members of the **Parochial Employees' Retirement System (PERS)** hired on or after January 1, 2007. Changes average compensation calculation period for such new hires **from 36 months to 60 months**. Provides that a person who received a refund of contributions shall no longer be a member of PERS, and if later employed in a PERS eligible position, he shall become a member on that date. Requires employers to pay the system the actuarial cost for the conversion of leave to retirement credit for members hired on or after January 1, 2007.

Provides a member of Plan A or Plan B who is hired on or after January 1, 2007, shall be eligible to retire at age 55 with 30 years of service credit, at age 62 with 10 years of service credit, or at age 67 with seven years of service credit. Members employed on or before December 31, 2006, shall be eligible to retire pursuant to the provisions of current law.

Provides that a member hired on or after January 1, 2007, shall be eligible for disability retirement if he has at least seven years of service credit, is not eligible for normal retirement, and suffers a disability which renders him totally and permanently incapable of performing gainful employment. Members employed on or before December 31, 2006, shall be eligible for disability retirement pursuant to the provisions of current law.

Retirement

COST-OF-LIVING ADJUSTMENTS

HB 43 by Montgomery *(Last Action – Senate Committee)*

Would have provided for a nonrecurring lump-sum benefit for retirees of the **Municipal Police Employees' Retirement System (MPERS)** when a cost-of-living adjustment is not payable. The supplemental benefit would have been payable based on the valuation for the fiscal year ending June 30, 2006, and would have been subject to the discretion of the MPERS board of trustees. The benefit would have been available to retirees who are eligible for cost-of-living adjustments and it would have equaled an amount not to exceed 3% of a member's benefit, but not less than \$300.

HB 1018 by Schneider *(Last Action – Sent to Governor)*

Relative to the **Sheriffs' Pension and Relief Fund (SPRF)**, changes average compensation calculation period **from** 36 months **to** 60 months for members who become employed on or after July 1, 2006. Provides that cost-of-living increases (COLA) shall not be less than 2% or more than 3%. Changes the minimum monthly COLA **from** \$50 **to** \$20. Provides for waiting periods for eligibility for COLAs based on current age and age at retirement.

Provides for a one-time COLA in the event a COLA is not available based on the valuation for the year ending June 30, 2006, in an amount not to exceed 3% of a retiree's normal annual benefit, but not less than \$300. Effective July 1, 2006, for retirees who retired on or before July 1, 1986, provides an additional one-time permanent adjustment in their monthly benefit of \$75. Provides that members who were part-time employees who retired on or before July 1, 1986, shall receive a permanent adjustment based on their participation in relation to full-time employment.

SCR 94 by B. Gautreaux *(Last Action – Adopted)*

HCR 207 by Schneider *(Last Action – Senate Committee)*

Authorizes the **Louisiana State Employees' Retirement System** board of trustees to grant a cost-of-living adjustment, payable annually at a rate of up to two and four-tenths percent of an eligible retiree's benefit, to begin July 1, 2006.

DEFERRED RETIREMENT OPTION PLAN (DROP)

HB 178 by Schneider *(Last Action – Sent to Governor)*

Requires members of the **state and statewide retirement systems** who were terminated on or after August 29, 2005, due to Hurricane Katrina or Hurricane Rita while participating in DROP, to reenter DROP and complete their participation period upon reemployment in a position covered by one of the retirement systems. The Teachers' Retirement System and the Louisiana School Employees' Retirement System are not covered by the provisions of this bill since SB 45 of the 2006 1st Extraordinary Session applied this law to those systems. The State Police Pension and Retirement system is not included in the legislation.

INVESTMENTS

HCR 118 by Arnold *(Last Action – Adopted)*

Requests the nine Louisiana **statewide public retirement systems** to direct at least 10% of certain trades and commissions through broker-dealers who have been incorporated, domiciled, or who have had their principal trading operations in Louisiana for at least two years as required by law applicable to the four state retirement systems, provided no additional costs are incurred by the systems.

EMPLOYMENT AFTER RETIREMENT

SB 88 by B. Gautreaux *(Last Action – Sent to Governor)*

Relative to the **Louisiana School Employees' Retirement System (LSERS)**, changes average compensation calculation period **from 36 months to 60 months** for members who become employed on or after July 1, 2006. Provides that a retiree of the system may be reemployed as a full-time, part-time, temporary, or substitute employee. Provides that if the rehired retiree's earnings in any fiscal year are in excess of 50% of his average compensation, then the retiree must repay the system an amount equal to the amount of earnings in excess of 50% of average compensation either through direct reimbursement or by suspension of benefit, not to exceed 100% of the retirement benefit received by the retiree for that fiscal year.

UNFUNDED ACCRUED LIABILITY (UAL)

SB 376 by Dardenne *(Last Action – Sent to Governor)*

Authorizes the **Clerks of Court Retirement and Relief Fund** board of trustees to reamortize the remaining liability such that the amortization is completed by the year 2029

Retirement

as originally provided by law. Authorizes the Public Retirement Systems' Actuarial Committee to meet and adopt a valuation for the system as of June 30, 2006, consistent with the foregoing provision.

SB 258 by Boasso *(Last Action – Vote on Conference Committee Report Pending/House)*

As proposed by the conference committee report, would have required a legislative enactment that provides a retirement benefit having an actuarial cost to identify a funding source providing new or additional funds sufficient to amortize the cost in 10 years, unless approved by a 2/3 vote.

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

TRAFFIC SAFETY

HB 240 by Greene (*Last Action – Sent to Governor*)

Requires pedestrians and vehicles to yield the right-of-way to vehicles participating in funeral processions. Requires that headlights and emergency flashers be on on any vehicle that is part of a funeral procession. Provides that if the procession has a police escort, the procession may cross intersections notwithstanding the signals of any traffic control device. Authorizes other vehicles to pass a procession. Provides for a \$100 penalty for violations.

SB 158 by McPherson (*Last Action – Failed to Pass/House*)

Generally, would have increased the maximum speed limits on interstates to 75 mph and on some other multilane highways to 70 mph.

Would have authorized the driver of a passenger car to drive on the "improved shoulder" of a highway during daylight hours to avoid impeding the flow of traffic on a two-lane highway outside of an incorporated area.

Would have required that the primary consideration for law enforcement officers upon arrival at the scene of an accident is the safe resumption of traffic flow to the greatest extent possible.

Would have required any entity providing written evidence of motor vehicle liability insurance to also provide a statement informing the insured of the provisions of law requiring removal of the motor vehicle from the travel lane of the highway to a safe location after an accident.

DRIVERS AND DRIVING

HB 321 by Gary Smith (*Last Action – House Committee*)

HB 725 by Barrow (*Last Action – House Committee*)

HB 1013 by Erdey (*Last Action – Failed to Pass/House*)

SB 164 by Mount (*Last Action – Failed to Pass/Senate*)

Each of these bills would have prohibited the use of a cellular telephone while operating a motor vehicle and provided for various penalties.

HB 321 and HB 725 would have authorized an exception to the prohibition if the cellular telephone was equipped with a hands-free device. HB 1013 would have prohibited persons issued a first time Louisiana driver's license from using a cellular telephone while operating

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a motor vehicle for one year after issuance of the license. SB 164 would have prohibited a person 18 years of age and younger from using a cellular telephone or other mobile telecommunication device while operating a motor vehicle.

HB 1010 by Gary Smith (*Last Action – Enrolled*)

Prohibits the operator or any passenger in a motor vehicle from smoking in a motor vehicle when a child under the age of 13 is present. Provides for a fine of \$150 per violation, or at the discretion of the judge, the offender may be sentenced to no less than 24 hours of community service.

SB 284 by Fontenot (*Last Action – Failed to Pass/House*)

Would have denied or suspended driving privileges for a minor who is not enrolled in or has not completed school. Provided some exceptions. Would have authorized local school boards and nonpublic schools to adopt policies to report dropouts to the office of motor vehicles.

LEVEES BOARDS AND DISTRICTS

HB 452 by Dove (*Last Action – Act No. 181*)

Requires levee districts and the governing authorities of parishes that are within the coastal zone but not part of a levee district to submit levee elevation reports to the Coastal Protection and Restoration Authority and to the office of public works, hurricane flood protection, and intermodal transportation in the Dept. of Transportation and Development, every three years. Requires levee elevation reports to identify inconsistencies in levee elevation and to include plans to correct problems.

SB 27 by Dupre (*Last Action – Enrolled*) (Duplicate of HB 450 by Pitre)

SB 64 by Dupre (*Last Action – Sent to Governor*) (Duplicate of HB 451 by Pitre)

Constitutional amendment and enabling legislation that would limit to fair market value the compensation that is paid when property is expropriated for hurricane flood protection work.

LOUISIANA TRANSPORTATION AUTHORITY

HB 299 by Daniel (*Last Action – Sent to Governor*)

Creates the Transportation Mobility Fund (TMF) as a special fund in the state treasury for the purpose of generating and collecting a new annual revenue stream to bridge the gap between projected toll revenue collections for a toll project and the estimated costs of such project. The source of monies to be deposited into the fund shall be grants, gifts, and donations received by the state and any other revenues, whether local, state, or federal.

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Requires the monies in the TMF to be appropriated and disbursed by the board of the Louisiana Transportation Authority (LTA) for certain mega projects. Provides relative to applications for and approval of funding. Provides that grants and loans from the fund shall only be awarded to an entity authorized by state law to construct and maintain a toll facility.

HB 1294 by Quezaire *(Last Action – Act No. 304)*

Authorizes the Louisiana Transportation Authority to enter into public-private partnership agreements for the construction of qualified transportation facility projects, which include highways, ferries, airports, mass transit, and rail or port facilities. Establishes procedures for governing transportation facilities which are constructed by private entities pursuant to a public-private partnership. Provides procedures for applications and evaluating applications. Provides for the disbursement of toll revenue.

Provides that all law enforcement officers of the state and of each affected local jurisdiction shall have the same powers and jurisdiction within the limits of a transportation facility as in their respective areas of jurisdiction.

Authorizes transportation facilities to be constructed utilizing design-build or other innovative project delivery methodologies.

MOTOR CARRIERS

HB 971 by Quezaire *(Last Action – Sent to Governor)*

Prior federal law provided for the registration of motor carriers in the various states under the Single State Registration Program (SSRS), which was administered in Louisiana by the Public Service Commission. New federal law provides for the registration of motor carriers under the Unified Carrier Registration Agreement (UCRA). HB 971 provides that the Dept. of Public Safety and Corrections, through the offices of state police and motor vehicles, shall be the state agency responsible for the administration of the UCRA.

Authorizes the secretary DPS&C, with approval of the governor, to enter into the UCRA and requires the department to abide by its requirements. Additionally, authorizes the secretary to enter into discussions or agreements with other states for the exchange of information for audit and enforcement activities in connection with the agreement.

Provides that the weights and standards stationary scales police force in the Dept. of Transportation and Development shall also assist in the administration of the UCRA by enforcing weight regulations of the UCRA.

Requires that all fees from enforcement of the UCRA be used solely for the purpose of safety programs for motor carriers subject to the UCRA and for the enforcement and administration of its provisions.

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Requires the PSC to maintain responsibility under the SSRS and to collect SSRS fees until the termination of the SSRS Program and to assist DPS&C for 12 months in implementing the UCRA. Requires that of the amounts collected in the initial registration year of the UCRA, \$2 million shall be appropriated to the PSC to be used for the first 12 months of implementation of the UCRA.

HB 1204 by Quezaire (*Last Action – Enrolled*)

Requires that, whenever a motor carrier or driver of such motor vehicle is found in violation of any provision of present law or any provision of the Federal Motor Carrier Safety Regulations, the office of state police shall send the responsible party a notice of violation within 30 calendar days of the violation.

Requires each notice of violation to clearly indicate if a monetary penalty is assessed for the violation and notice that the responsible party has 45 calendar days to either pay the penalty or request an administrative hearing.

Provides that if a motor carrier is determined to be the responsible party and fails to pay the assessed penalty within 45 calendar days of issuance or within 30 calendar days of receiving a notice of final judgment from the administrative law judge, the outstanding penalty shall be posted on the office of state police's official web site until paid in full.

Provides that if the driver is found to be the responsible party and he fails to pay the penalty within 45 calendar days of issuance or within 30 calendar days of receiving a notice of final judgment from the administrative law judge, the office of state police shall transmit his driver's license number to OMV, which shall immediately notify the driver that his driver's license will be suspended 30 calendar days after the date of mailing the notice unless all fines and fees are paid together with a \$50 fee by OMV to cover administrative costs.

Present law authorizes the Dept. of Transportation and Development or the office of state police to issue a violation ticket which assesses a penalty to any vehicle or combination of vehicles for a violation of present law relative to size, weight, load of vehicle, or weigh-in-motion.

HB 1204 provides that if a driver of a motor vehicle who is a resident or has a domicile in Louisiana is determined to be the responsible party, he is responsible for the payment of all fines and fees associated with the violation ticket. If the department or office of state police fails to receive payment within 60 calendar days of issuance or within 60 calendar days of receiving a notice of final judgment from the agency or administrative review, the driver's license number shall be transmitted to OMV, which shall immediately notify the driver that his license shall be suspended 30 calendar days after the date of mailing the notice unless all fines and fees are paid in full together with a \$50 fee by OMV to cover its administrative costs.

Transportation, Highways and Public Works

Provides that if a motor carrier is determined to be the responsible party and fails to pay the penalty within 60 calendar days of receiving the violation ticket or within 60 calendar days of receiving a notice of final judgment from the agency or administrative review, the department or the office of state police shall transmit the vehicle identification number of the offending vehicle to OMV, which shall not renew the registration of the offending vehicle until all fines and fees are paid in full.

Prohibits the department or office of state police from seizing a motor vehicle or the registration license plate of a motor vehicle for failing to pay a fine for a notice of violation or a fine for a violation ticket.

Transportation, Highways and Public Works _____

WAYS AND MEANS

CAPITAL OUTLAY

HB 2 by Hammett *(Last Action – Sent to Governor)*

HB 3 by Hammett *(Last Action – Sent to Governor)*

Provides for the comprehensive capital outlay budget and for implementation of a five-year improvement program.

ASSESSORS

SB 141 by Duplessis *(Last Action – Filed with the Secretary of State)* (Duplicate of HB 642 by Badon)

SB 647 by Duplessis *(Last Action – Sent to Governor)* (Duplicate of HB656 by Badon)

Provides for a single assessor in Orleans Parish.

HOUSING

SB 445 by L. Jackson *(Last Action – Sent to Governor)*

Provides for program priorities for housing needs in Katrina/Rita FEMA disaster areas and for citizens displaced from Katrina/Rita disaster areas.

AD VALOREM TAX

HB 684 by Arnold *(Last Action – Act No. 391)*

Authorizes the assessor of any parish where lands or property are damaged, destroyed, or uninhabitable due to a disaster or emergency declared by the governor to assess such lands or property for the year in which the damage occurred at the percentage of fair market value provided in the constitution, taking into consideration damages and depreciation. Provides that these assessments be made whether the time fixed by law or filing assessment rolls has elapsed or not.

Authorizes the assessors to expose the rolls for any 15-day period in any tax year where the disaster or emergency provisions are implemented and provides that copies of the tax roll be sent no later than 30 days following the close of the board of review in any year when the disaster or emergency provisions are implemented.

Ways and Means

EXEMPTIONS

HB 389 by Triche *(Last Action – Filed with the Secretary of State)*

Extends the homestead exemption to property owned in a revocable living trust.

REVENUE DEPARTMENT

HB 392 by Hammett *(Last Action – Act No. 32)*

Provides for the general re-creation of the Dept. of Revenue and its statutory entities. Provides that July 1, 2011, is the new termination date, and termination would begin July 1, 2010, unless the entities are again re-created.

TAXES

HB 394 by Hammett *(Last Action – Act No. 77)*

Provides that penalties are not due if at least 90% of the total tax due on the return is paid on or before the due date of the return. Also provides that extensions of time are to be considered when determining whether the payments were made on or before the due date.

HB 449 by Hammett *(Last Action – Act No. 180)*

Provides that the interest rate on final and nonappealable tax obligations will be the same as the interest rate on tax obligations which are not final and nonappealable.

HB 578 by Hammett *(Last Action – Sent to Governor)*

Requires taxpayers who have a personal checking account and are filing for a state individual income tax refund using a Federal/State E-file Program to direct deposit the state tax refund when the federal tax refund is directly deposited.

HB 649 by Salter *(Last Action – Act No. 390)*

Provides for the payment of all attorney fees, expert fees, and costs incurred by the assessor in defending a subsequent action contesting an assessed valuation previously upheld by the Louisiana Tax Commission or court of competent jurisdiction when there has been no material change in circumstances affecting the valuation of the assessed property.

HB 714 by Gallot *(Last Action – Filed with the Secretary of State)*

Increases the maximum allocation per parish for natural resources other than sulphur, lignite, or timber **from** \$750,000 **to** \$850,000 effective July 1, 2007. Provides the maximum allocation shall be increased each July 1, beginning in 2008, by an amount equal to the average annual increase in the CPI for all urban consumers, as published by the U.S. Dept. of Labor, for the previous calendar year, as calculated and adopted by the Revenue Estimating Conference.

HB 1064 by Winston *(Last Action – Conference Committee)*

Authorizes the secretary, for good cause shown, to extend for a period not to exceed 30 calendar days, the time for making sales tax returns, except in the event of a gubernatorially or presidentially declared disaster, after which the secretary may extend the time not to exceed 60 calendar days.

Authorizes the secretary to grant reasonable extensions of time provided that such extensions of time shall not exceed seven months or the extended due date of the federal income tax return, whichever is later, in the case of income taxes.

SPECIAL PROGRAMS

HB 393 by Hammett *(Last Action – Act No. 76)*

Changes the termination date of Louisiana Tax Free Shopping Program **from** 2007 **to** 2009.

HB 966 by Townsend *(Last Action – Senate Committee)*

Provides that persons operating no more than three video draw poker devices are eligible for tax incentive programs under the enterprise zone program.

